

VOTE SHEET

July 29, 2008

Docket No. 070626-EI – Review of Florida Power & Light Company's Sunshine Energy Program. (Deferred from the July 1, 2008 Commission Conference.)

Issue 1: Does FPL's Sunshine Energy Program, as currently designed and administered, continue to be in the best interest of the program's participants?

Recommendation: No. The Sunshine Energy Program does not currently serve the interest of the program's participants and it does not align with current state renewable energy policies. ~~FPL should redesign the program along the following guidelines: (1) limit the level of administrative and marketing cost to 20 percent of the overall voluntary contributions with the remaining portion to be used for project costs; (2) provide semi-annual reports to the Commission in order to improve monitoring of program expenses and progress toward meeting program goals; (3) funds for renewable energy should facilitate the construction of new renewable energy projects in the state; (4) excess revenues should be directed to support additional renewable energy projects in Florida; (5) stronger provisions to ensure that renewable projects are installed in a timely manner; and, (6) provisions that allow for greater Commission oversight in the development of renewable projects.~~

~~FPL should modify the program following the above guidelines within 60 days of the issuance of the order codifying the Commission's vote. If FPL cannot or chooses not to modify the program to meet the guidelines by the established deadline, the Commission may choose to terminate the program.~~

MODIFIED, as noted. The Commission is to terminate the program; cancel the tariff, effective July 29, 2008; escrow any monies voluntarily contributed as of July 29, 2008, and beyond; and continue the audit with the understanding that the information would be available to the Commission in the future.

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Neil A. Ishaq

Katrina J. McMurrain

[Signature]

[Signature]
_____ *CM*

REMARKS/DISSENTING COMMENTS: Commissioner Argenziano participated by telephone.

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FPSC-COMMISSION CLERK

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Issue 2: Should the Commission direct FPL to provide additional information regarding the modifications to the Sunshine Energy Program proposed in its June 5, 2008 petition?

Recommendation: Yes. The Commission should direct FPL to provide detailed information on (1) how projects will be selected and financed, (2) any payments or ongoing obligations between FPL and other parties, (3) documentation for the estimated proportion of revenues to be spent on marketing and administrative expenses, (4) any obligation FPL holds with respect to existing projects, and (5) any impacts associated with terminating the Sterling Planet contract. FPL should provide this information within 30 days of the issuance of the order codifying the Commission's vote. FPL should follow the guidelines established in Issue 1 in developing its responses concerning the modifications or any further modifications to the program presented for the Commission's approval.

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Issue 3: Should the Commission suspend FPL's revised tariff for the Sunshine Energy Program?

Recommendation: Yes.

DENIED Staff recommendation should cancel the newly-proposed tariff.

Issue 4: Should this docket be closed?

Recommendation: No. If no substantially affected person files a protest to Issue 1, this issue will become final upon the issuance of a consummating order. ~~If the Commission approves staff's recommendation on Issue 2, FPL should provide the required information within 30 days of the Commission's order. However, the docket should remain open pending the Commission's decision on the proposed tariff and staff's verification that the required information has been provided.~~

APPROVED, as modified above. Staff was directed to draft an order based on the discussion at the Commission Agenda Conference.