

VOTE SHEET

December 14, 2010

Docket No. 100009-EI – Nuclear cost recovery clause. (Deferred from the November 30, 2010 Commission Conference.)

**Issue 3A:** Does the Commission have the authority to require a “risk sharing” mechanism that would provide an incentive for a utility to complete a project within an appropriate, established cost threshold? If so, what action, if any, should the Commission take?

**Recommendation:** No. Section 366.93, F.S., expressly provides that a utility is entitled to recover all prudently incurred costs resulting from the construction of nuclear power plants. The statute does not set a dollar limit on the amount a utility can recover through the NCRC. Requiring a risk sharing mechanism exceeds the scope of the plain and expressed language and intent of the statute.

**DEFERRED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

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REMARKS/DISSENTING COMMENTS: Deferred to the January 11, 2011 Commission Conference

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FPSC-COMMISSION CLERK