

VOTE SHEET

DATE: April 30, 1991

RE: DOCKET NO. 900796-EI - Petition for inclusion of Scherer Unit No. 4 purchase in rate base including an acquisition adjustment, by FLORIDA POWER AND LIGHT COMPANY.

Issue 1: Did the Commission, as a matter of law, correctly conclude that the purchase agreement paved the way for JEA's granting transmission access to FPL, if the finding is based on "hearsay" evidence as argued in Point I of the Office of Public Counsel's (OPC) Motion for Reconsideration.

Recommendation: The Commission should reject OPC's argument that it based a finding of fact in Order No. 24165 on hearsay testimony in contravention of Section 120.58(1)(a), F.S.

APPROVED

Issue 2: Point II of Public Counsel's motion indicates that the Commission's acceptance of FPL's calculation of emission allowance credits associated with the UPS option is factually incorrect because FPL added assumed costs to a base already inflated to recognize the effects of acid rain legislation.

Recommendation: The Commission should reject OPC's argument on this point.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Michael Wilson
James B. ...
Robert ...

REMARKS/DISSENTING COMMENTS:

PSC/RAR33(5/90)

OPC's motion requesting the Commission to take official notice of FPL's Form 10K was denied.

Commissioner Deason did not participate in this decision since he did not participate in original vote.

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Issue 3: Point III of Public Counsel's motion states that since the Commission knows that FPL's calculation of present value revenue requirements for UPS is in error but does not know the full magnitude of the error, the Commission lacks competent evidence to support the impact of acid rain legislation on the UPS option.

Recommendation: The Commission should reject OPC's argument on this point.

APPROVED

Issue 4: Is it true that there is no support for the differential in fuel costs utilized by FPL in its comparison as argued in Nassau Power Corporation's (Nassau) Motion for Reconsideration.

Recommendation: No. The record supports FPL's differential in fuel costs.

APPROVED

Issue 5: Is the credit for increased economy sales used in the Scherer purchase scenario appropriate?

Recommendation: Yes.

APPROVED

Issue 6: Did FPL's analysis artificially increase the cost of the UPS alternative by assuming that FPL's energy price will be that of energy from Scherer 4?

Recommendation: No.

APPROVED

Issue 7: The Commission found that under the UPS alternative FPL would have been responsible for SO₂ emission allowance costs. Is this finding supported by the record?

Recommendation: Yes.

APPROVED