

VOTE SHEET

DATE: September 1, 1992

RE: DOCKET NO. 920041-EI - Petition for clarification and guidance on appropriate market-based pricing methodology for coal purchased from Gatliff Coal Company by TAMPA ELECTRIC COMPANY. (Deferred from the 8/4/92 Commission Conference)

Issue 1: Recommendation that, even though the FERC Form 423 data does contain errors, the errors do not make the data unsuitable to measure changes in the market price of coal.

APPROVED

Issue 2: Recommendation that the FERC Form 423 data, after adjusting for term and quality using information contained in the Forms 423, does not contain errors that parties to the stipulation could not have discovered with due diligence and which make the FERC Form 423 data unsuitable to measure changes in the market price of coal. Regardless of whether Tampa Electric Company (TECO) exercised due diligence in discovering errors in the FERC Form 423 data, any errors contained in the data do not make it unsuitable to measure changes in the market price of coal.


APPROVED

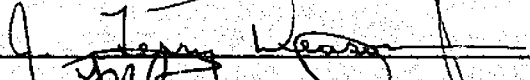
COMMISSIONERS ASSIGNED: Full Commission

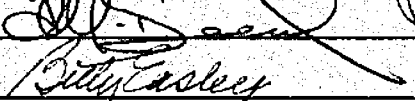
COMMISSIONERS' SIGNATURES

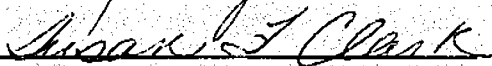
MAJORITY

DISSENTING









REMARKS/DISSENTING COMMENTS:

PSC/RAR33 (5/90)

DOCUMENT NUMBER-DATE

09928 SEP -1 1992

FPSC-RECORDS/REPORTING

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Issue 3: Recommendation that the FERC Form 423 data, as adjusted for term and quality using information contained in the Forms 423, provides a reasonable standard to measure changes in the market price of coal.

APPROVED

Issue 4: Recommendation that the FERC Form 423 database of contract deliveries from Bureau of Mines District 8 which meets coal quality specifications as contained in Order No. 20298 does not contain contracts that have been erroneously included for purposes of calculating the market-based index to establish the benchmark for recovery of the costs of TECO's affiliate coal purchases.

APPROVED

Issue 5: Recommendation that TECO's proposed calculation of the market-based index is not consistent with the original provisions and intent of the stipulation and Order No. 20298.

APPROVED

Issue 6: Recommendation that the Commission deny TECO's proposed calculation of the market-based index.

APPROVED

Issue 7: Recommendation that the Commission should not modify the manner in which the market-based index is calculated.

APPROVED

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Issue 8: Recommendation that, if a new index methodology is adopted, it should be used in the August 1992 fuel hearing to determine the reasonableness of Gatliff's price during the period January 1, 1991 through December 31, 1991.

APPROVED

Issue 9: Recommendation that the doctrines of res judicata, collateral estoppel or administrative finality do not apply to this proceeding and do not preclude the Commission from approving TECO's petition.

APPROVED

Issue 10: Recommendation that, if the public interest requires it, the Commission can make an incremental change to one part of Order No. 20298, to approve the stipulation and require a party in opposition to any change to abide by the other terms of the order containing the stipulation.

No decision necessary at this time

Issue 11: Recommendation that this docket be closed.

APPROVED