

VOTE SHEET

AUGUST 18, 1997

RE: DOCKET NO. 970410-EI - Proposal to extend plan for recording of certain expenses for years 1998 and 1999 for Florida Power & Light Company.

Issue 1: Should the Commission address AmeriSteel's Motion for Leave to File an Amended and Supplemental Petition and Protest to Proposed Agency Action, AmeriSteel's Request for Oral Argument, and AmeriSteel's Request for Continuance at this time?

Recommendation: No. A decision on the two motions that were first presented at the July 15, 1997 agenda conference might render these filings moot. Further, FPL has not had a full opportunity to respond to the pleadings.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the MAJORITY column]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE
00315 AUG 18 97
FPSC-RECORDS/REPORTING

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Issue 2: Does a ratepayer have standing to challenge the inclusion of an expense in the calculation of a utility's regulated earnings where rates do not change?

Recommendation: Yes. A ratepayer has a substantial interest in assuring that only prudent expenses are included in utility rates, even if rates will not change as a result.

No vote was taken on this issue, since a decision is not necessary to resolve the issues in this case.

Issue 3: Should Florida Power & Light Company's Motion to Deny and Dismiss the Petition and Protest of AmeriSteel Corporation be granted?

Recommendation: No. AmeriSteel has demonstrated it has a substantial interest in this proceeding. AmeriSteel's protest specifically identifies those factual matters that are in dispute. Further, since AmeriSteel has protested the extension and modification of the plan, and since the plan was the only action proposed in Order No. PSC-97-0499-FOF-EI, Section 120.80(13)(b), Florida Statutes, is not operative in this situation.

APPROVED *with understanding that only the facts in this case are being addressed, and that the items to be ~~approved~~ ^{considered} are those that must be ~~approved~~ considered by the Commission.*

Issue 4: Should AmeriSteel Corporation's Petition for Leave to Intervene be granted?

Recommendation: Given the Commission's decision on FPL's Motion to Dismiss, this issue is moot.

No vote was necessary due to the decision in Issue 3.

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Issue 5: Who has the burden of proof in this proceeding?

Recommendation: FPL has the burden to demonstrate, by a preponderance of the evidence, that the plan to change the currently authorized expense levels for 1998 and 1999 ("the Plan") is reasonable, appropriate, and in the public interest.

No vote was taken on this issue.

Issue 6: What is the appropriate scope of this docket?

Recommendation: The scope of this docket should be limited to the consideration of extending the plan for 1998 and 1999 and to the examination of the elements of the plan.

APPROVED

Issue 7: Should this docket be closed?

Recommendation: No. This docket should remain open pending resolution of AmeriSteel's protest of the proposed agency action.

APPROVED