

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

DECEMBER 16, 1997

RE: DOCKET NO. 971337-EU - Petition of Duke Mulberry Energy, L.P. and IMC-Agrico Company for a declaratory statement concerning eligibility to obtain determination of need pursuant to Section 403.519, F.S.

Issue 1: Should FPC's Motion to Dismiss Proceeding be granted?
Recommendation: No. FPC's Motion to Dismiss Proceeding should be denied.

No vote - see vote on issue 4.

Issue 2: Should Tampa Electric and FPC's Petitions to Intervene be granted?
Recommendation: No. Tampa Electric and FPC's Petitions to Intervene should be denied.

No vote - see vote on issue 4

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Susan Clark
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REMARKS/DISSENTING COMMENTS: *Commissioner Garcia dissented*

DOCUMENT NUMBER-DATE

12838 DEC 17 97

FPSC-RECORDS/REPORTING

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Issue 3: Should IMCA/Duke be permitted to address the Commission and should FPC, Tampa Electric, and FPL be permitted to participate?

Recommendation: Yes. IMCA/Duke, FPC, Tampa Electric, and FPL should be permitted to participate in order to inform the Commission as to these complex issues.

APPROVED

Issue 4: Should the Commission issue the requested declaratory statement?

Recommendation: Yes. The Commission should issue a declaratory statement to the effect that Duke Mulberry, L.P. and IMCA may seek a determination of need for their proposed power plant pursuant to provisions of the Florida Electrical Power Plant Siting Act (Siting Act) and Commission rules.

DENIED

Staff was directed to discuss with the Chairman appropriate proceedings to review law and policy as to merchant plants being applicants for certificates of need. Further, the Commission recognizes that applicants can always file a petition for rulemaking.

Issue 5: Should this docket be closed?

Recommendation: Yes. This docket should be closed.

APPROVED