

VOTE SHEET

MARCH 10, 1998

RE: DOCKET NO. 961477-EQ - Petition for expedited approval of settlement agreement with Lake Cogen, Ltd., by Florida Power Corporation.

Issue 1: What is the appropriate status of Order No. PSC-97-1437-FOF-EQ? Recommendation: Order No. PSC-97-1437-FOF-EQ was rendered a nullity by the expiration of the settlement agreement between Florida Power Corporation and NCP Lake Power, Inc. When the settlement agreement expired, the issues in this case ceased to exist, thus rendering this entire proceeding, including FPC's original petition, moot.

APPROVED

Issue 2: Should the Commission grant Florida Power Corporation's motion to dismiss Lake's Petition on Proposed Agency Action?

Recommendation: No. Based on staff's recommendations in Issue 1, the Commission should deny Florida Power Corporation's motion to dismiss Lake's petition.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the majority column]

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NO. 98-00000000

03069 PART 1

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Issue 3: Should the Commission grant Lake's motion to dismiss this proceeding and close the docket?

Recommendation: Yes. Based on staff's recommendations in Issue 1, the Commission should grant Lake's motion to dismiss this proceeding and close the docket.

APPROVED

Issue 4: Should this docket be closed?

Recommendation: Yes. This entire proceeding was rendered moot by the expiration of the settlement agreement. Therefore, this docket should be closed.

APPROVED