

VOTE SHEET

SEPTEMBER 1, 1998

RE: DOCKET NO. 980693-EI - Petition by Tampa Electric Company for approval of cost recovery for a new environmental program, the Big Bend Units 1 & 2 Flue Gas Desulfurization System.

Issue 1: Should the Commission grant Florida Industrial Power Users Group's Motion to Dismiss, OPC's Suggestion That The Florida Public Service Commission, On Its Own Motion, Dismiss Tampa Electric Company's Petition Without Prejudice, and LEAF'S Motion to Dismiss?
Recommendation: No. FIPUG, OPC and LEAF'S motions should be denied as untimely. Even if these motions had been filed on a timely basis pursuant to Rule 28-106.204(2), Florida Administrative Code, the grounds alleged do not support a Motion to Dismiss.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in majority column]

Susan J. Clark

Tom Deas

[Signature]

[Handwritten signature in dissenting column]

REMARKS/DISSENTING COMMENTS:

Chairman Johnson dissented.

5300

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Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open in order to proceed to hearing on the utility's petition and until such time as all issues identified by the prehearing order are resolved.

APPROVED