

VOTE SHEET

JUNE 29, 1999

RE: DOCKET NO. 990249-EG - Petition by Florida Power & Light Company for approval of a standard offer contract and revised COG-2 tariff.

Issue 1: Should FPL's Petition for Approval of a Standard Offer Contract, based upon a combustion turbine unit with an in-service date of 2001, be approved?

Recommendation: No. FPL's proposed standard offer contract and revised COG-2 tariff should be denied for the following reasons: 1) Contrary to the Commission's rule requirements, the proposed standard offer contract is not based on FPL's next avoided unit, 2) the proposed subscription limit does not accurately reflect the pool of currently eligible signatories, thereby precluding at least one municipal solid waste facility, 3) Order No. 24989, issued August 29, 1991, prohibits "Regulatory Out Clauses" standard offer contracts, and 4) FPL may have acted imprudently in filing its proposed standard offer contract at such a late date. Absent approval to waive the

DEFERRED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

*Deferred to the July 27, 1999
Commission Conference*

DOCUMENT NUMBER-DATE

07937 JUL-1 8

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requirements of Rule 25-17.0832, Florida Administrative Code, FPL should revise its standard offer contract to reflect the recommended changes and provide no less than a two-week availability. FPL should submit a revised standard offer contract and associated tariffs no later than 60 days from the date of the Commission vote.

Issue 2: Is it appropriate to include an equity adjustment when determining FPL's proposed standard offer contract payments?

Recommendation: Yes. If the proposed standard offer contract is approved in Issue 1, an equity adjustment as described in the supporting documentation to FPL's petition is appropriate. However, FPL should recalculate the capacity payments to reflect an equity adjustment based on a 10% risk factor.

Issue 3: Should FPL's request for a variance from the ten-year minimum contract term required by Rule 25-17.0832(4)(e), Florida Administrative Code, be granted?

Recommendation: No. FPL has not demonstrated that the purpose of the underlying statute will be met or that it will suffer substantial hardship if the variance is not granted.

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Issue 4: Should this docket be closed?

Recommendation: No.