

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

OCTOBER 5, 1999

RE: DOCKET NO. 990723-EQ - Petition by Florida Power Corporation for approval of an agreement with El Paso Power Services Company to restructure existing cogeneration contracts with Polk Power Partners, L.P. and Orange Cogeneration Limited Partnership.

Issue 1: Does the Amendment to the Agreement between Florida Power Corporation and El Paso Power Services Company contain any modifications which require Commission approval?

Recommendation: Yes. The Amendment contains modifications which affect the performance requirements of the agreement. Rule 25-17.0836, Florida Administrative Code, requires the Commission to approve these modifications.

**APPROVED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

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*Susan D. Clark*  
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

12058 OCT-6 99

FPSC-RECORDS/REPORTING

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Issue 2: Should the Commission approve the modifications contained in the Amendment to the Agreement between Florida Power Corporation and El Paso Power Services Company?

Recommendation: Yes, the following modifications should be approved. Modifications one and two provide FPC with greater operational flexibility, and may improve the cost-effectiveness of the agreement. Modification three should be approved; however, it may transfer additional risk to FPC's ratepayers by reducing the liquidated damages cap payable by El Paso.

**APPROVED**

Issue 3: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected files a request for a Section 120.57(1), Florida Statutes, hearing within 21 days of the order, the order will become final and effective upon the issuance of a consummating order. Because no further action will be required, this docket should be closed.

**APPROVED**