

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

MAY 16, 2000

RE: DOCKET NO. 991462-EU - Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C.

DOCKET NO. 000288-EU - Petition for determination of need for an electrical power plant in Lake County by Panda Leesburg Power Partners, L.P.

DOCKET NO. 000289-EU - Petition for determination of need for an electrical power plant in St. Lucie County by Panda Midway Power Partners, L.P.

DOCKET NO. 000442-EI - Petition for determination of need for the Osprey Energy Center by Calpine Construction Finance Company, L.P.

Issue 1: Should the Commission hold Dockets 991462-EU, 000288-EU, 000289-EU, and 000442-EI in abeyance pending the Florida Supreme Court's final decision regarding Tampa Electric Co., et al. v. Garcia, et al., Case Nos. SC95444, SC95445, SC95446 ("Duke-New Smyrna")?

Recommendation: Yes. The petitions for need determinations in Dockets Nos. 991462-EU, 000288-EU, 000289-EU, and 000442-EI should be held in abeyance until a final decision has been issued by the Florida Supreme Court in the "Duke-New Smyrna" case.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Al Jabe, Susan L. Clark, Joe [unclear], and J. Terry [unclear].

Four horizontal lines for dissenting signatures, all of which are blank.

REMARKS/DISSENTING COMMENTS:

(corrected 7/6/00)  
DOCUMENT NUMBER-DATE

06096 MAY 178

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Issue 2: Should Dockets Nos. 991462-EU, 000288-EU, 000289-EU, and 000442-EI be closed?

Recommendation: No. These dockets should remain open until a final decision is reached by the Florida Supreme Court in the "Duke-New Smyrna" case.

**APPROVED** \* with modification that  
Docket 000442-EI will not be held in abeyance  
since the Commission has not received a need  
determination petition from Calpine Construction  
Finance Company, L.P.

\* Modified language after receiving  
advice from staff and reviewing  
audiotape of discussion.

KF  
7/6/00