

VOTE SHEET

NOVEMBER 28, 2000

RE: DOCKET NO. 991462-EI - 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. 000612-EU - Petition for determination of need for an electrical power plant in St. Lucie County by Duke Energy St. Lucie, L.L.C.

Issue 1: Should the Commission grant the motions to abate the need determination proceedings in Docket Nos. 991462-EI, 000288-EU, 000289-EU, and 000612-EU?

Recommendation: No. The motions to abate should be denied.

**DENIED**

*The dockets are to be held in abeyance until the U.S. Supreme Court appellate time period has expired in the Duke / New Smyrna case. If no appeal is filed, staff shall administratively close the dockets.*

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in majority column]*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

15351 DEC-18

FPSC-RECORDS/REPORTING

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Issue 2: Should the Commission, on its own motion, dismiss the petitions for determination of need in Docket Nos. 991462-EI, 000288-EU, 000289-EU, and 000612-EU?

Recommendation: Yes. The Commission should dismiss the petitions, on its own motion, in Docket Nos. 991462-EI, 000288-EU, 000289-EU, and 000612-EU for failure to state a cause of action.

**DENIED**

*See vote in issue 1.*

Issue 3: Should these dockets be closed?

Recommendation: Yes.

**DENIED**

*See vote in issue 1.*