

VOTE SHEET

JANUARY 16, 2001

RE: DOCKET NO. 001748-EC - Petition for determination of need for the Osprey Energy Center in Polk County by Seminole Electric Cooperative and Calpine Construction Finance Company, L.P.

Issue 1: Should the Commission grant Calpine Construction Finance Company L.P.'s (Calpine's) request for a determination that Rule 25-22.082(2), Florida Administrative Code (the Bidding Rule), does not apply to Calpine or the Osprey Energy Center?

Recommendation: Yes. The Commission should grant Calpine's petition for a Determination that Rule 25-22.082(2), Florida Administrative Code, does not apply to Calpine or the Osprey Energy Center. The Bidding Rule is not applicable to Seminole Electric Cooperative, Inc., which is contracting to purchase the output of the Project.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Joseph A. Palochi
Ala F. Jhe
Moulton
J. Tom Dean

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

00653 JAN 17 2001

FPSC-RECORDS/REPORTING

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Issue 2: Should the Commission grant Calpine's alternative request for a waiver of Rule 25-22.082(2), Florida Administrative Code?

Recommendation: If the Commission approves staff's recommendation in Issue 1, this issue is moot. As discussed in Issue 1, given that Calpine and Seminole are joint applicants for the petition, staff believes the Bidding Rule is not applicable, given Seminole's status as a cooperative utility. However, if the Commission denies staff's recommendation for Issue 1, staff does not believe Calpine has met the standards for approval of the rule waiver request.

NO VOTE

Issue 3: Should this docket be closed?

Recommendation: No. This docket is scheduled for hearing. Staff is recommending that Issue 2 is moot if staff's recommendation for Issue 1 is approved. However, if the Commission votes on Issue 2, the proposed agency action will become final upon issuance of a consummating order if no person whose substantial interests are affected files a timely protest.

APPROVED