

VOTE SHEET

SEPTEMBER 4, 2001

RE: Docket No. 010944-EI - Complaint of South Florida Hospital and Healthcare Association, et al. against Florida Power & Light Company, request for expeditious relief, and request for interim rate procedures with rates subject to bond.

Docket No. 001148-EI - Review of Florida Power & Light Company's proposed merger with Entergy Corporation, the formation of a Florida transmission company ("Florida transco"), and their effect on FPL's retail rates.

ISSUE 1: Should the Commission grant Florida Power & Light Company's motion to dismiss the South Florida Hospital and Healthcare Association's amended petition for interim rate relief in Docket No. 010944-EI?

RECOMMENDATION: Yes. The Commission should grant Florida Power & Light Company's motion to dismiss the South Florida Hospital and Healthcare Association's amended petition for interim rate relief. On its own motion, the Commission has already considered and decided the matter of interim rates, making SFHHA's amended petition an improper collateral attack on the Commission's decision.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Michael A. Paleski

[Signature]

[Signature]

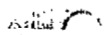
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

10975 SEP-4 01

FPSC-COMMISSION CLERK



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ISSUE 2: Should the Commission grant Florida Power & Light Company's motion to strike the South Florida Hospital and Healthcare Association's answer to FPL's response to SFHHA's request for clarification/reconsideration?

RECOMMENDATION: Yes. The Commission should grant Florida Power & Light Company's motion to strike the South Florida Hospital and Healthcare Association's answer to FPL's response to SFHHA's request for clarification/reconsideration. The Uniform Rules of Procedure do not authorize such a reply to a response to a motion.

APPROVED

ISSUE 3: Should the Commission grant the South Florida Hospital and Healthcare Association's request for clarification or, in the alternative, reconsideration of Order No. PSC-01-1346-PCO-EI?

RECOMMENDATION: ~~To clarify its intent in rendering Order No. PSC-01-1346-PCO-EI, the Commission should make the clarification requested by the South Florida Hospital Association. The clarification does not have the effect of reversing the Commission's decision to hold no money subject to refund. No. The Commission should deny SFHHA's request for reconsideration/clarification of Order PSC-01-1346-PCO-EI. In rendering the Order, the Commission did not intend to modify or interpret the terms of the FPL rate stipulation or the order approving it. By denying SFHHA's request, the Commission makes no finding with respect to SFHHA's rights under the stipulation.~~

MODIFIED

Approved with the noted clarification.

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ISSUE 4: Should these dockets be closed

RECOMMENDATION: If the Commission approves staff's recommendation to deny SFHHA's amended petition in Issue 1, Docket No. 010944-EI should be closed. Docket No. 001148-EI should remain open.

APPROVED

Agenda Conference
Sept 4, 2001

Item 20 - Revised

Replace first full paragraph on Page 13 with the following:

Staff recommends that the Commission deny SFHHA's request for reconsideration/clarification of Order No. PSC-01-1346-PCO-EI. Staff believes that the Commission, in rendering the Order, did not intend to modify or interpret the terms of the FPL rate stipulation or the order approving it. The Order, and the transcript of the Commission's related deliberations, offer no indication that the Commission intended to, or considered, modifying or interpreting the terms of the stipulation or the order approving it. The stipulation was cited only as a basis for holding no money subject to refund. By denying SFHHA's request, the Commission makes no finding with respect to SFHHA's rights under the stipulation.

Replace recommendation paragraph (Issue 3) with the following:

No. The Commission should deny SFHHA's request for reconsideration/clarification of Order No. PSC-01-1346-PCO-EI. In rendering the Order, the Commission did not intend to modify or interpret the terms of the FPL rate stipulation or the order approving it. By denying SFHHA's request, the Commission makes no finding with respect to SFHHA's rights under the stipulation.