

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

SEPTEMBER 18, 2001

RE: Docket No. 010827-EI - Petition by Gulf Power Company for approval of purchased power arrangement regarding Smith Unit 3 for cost recovery through recovery clauses dealing with purchased capacity and purchased energy.

ISSUE 1: Should the Commission acknowledge Gulf's Notice of Voluntary Dismissal and/or Withdrawal of Petition?

RECOMMENDATION: Yes.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Michael A. Palech
[Signature]
[Signature]
[Signature]

REMARKS/DISSENTING COMMENTS:

Issues 3 and 4 deferred

DOCUMENT NUMBER-DATE

11611 SEP 18 01

FPSC-COMMISSION CLERK

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(Continued from previous page)

ISSUE 2: Should the Commission, on its own motion, vacate its August 14, 2001, decision on OPC's Motion to Dismiss?

RECOMMENDATION: Yes. Gulf's withdrawal of its Petition renders the decision on OPC's Motion to Dismiss unnecessary, and the Commission has previously vacated decisions under such circumstances.

APPROVED

ISSUE 3: Should the Commission approve Gulf's Request for Immediate Return of Confidential Information Provided Pursuant to Discovery?

RECOMMENDATION: Gulf's Request should be granted to the extent that it asks for OPC and FIPUG to return discovery responses subject to a request for confidential classification. Gulf's Request should be denied in all other respects.

DEFERRED

ISSUE 4: Should this docket be closed?

RECOMMENDATION: This docket should be closed 32 days after the issuance of the order to allow the time for filing an appeal to run.

DEFERRED