

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JULY 9, 2002

RE: Docket No. 020084-EI - Complaint by National Energy Raters Association against Florida Power & Light Company, Florida Power Corporation, and any other utility engaged in the practice, for alleged violation of Rule 25-17.003(4)(a), F.A.C., which requires every public utility to charge for a Building Energy Efficiency Rating System (BERS) Audit.

ISSUE 1: Should Florida Power & Light Company's Motion to Dismiss the Complaint of the National Energy Raters Association be granted?

RECOMMENDATION: Yes. Florida Power & Light Company's Motion to Dismiss the Complaint of the National Energy Raters Association should be granted based on the National Energy Raters Association's lack of standing, and the Complaint should be dismissed with prejudice. If the Commission dismisses the Complaint on this basis, it need not rule on Florida Power and Light's request that the Complaint be dismissed for lack of subject matter jurisdiction, and it need not address Issue 2.

APPROVED

with clarification discussed at conference concerning lack of standing

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Randy Bradley
Michael...
...
J. Terry Deaso
Michael A. Palestro

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

07013 JUL-9 2002

FPSC-COMMISSION CLERK

VOTE SHEET

JULY 9, 2002

Docket No. 020084-EI - Complaint by National Energy Raters Association against Florida Power & Light Company, Florida Power Corporation, and any other utility engaged in the practice, for alleged violation of Rule 25-17.003(4)(a), F.A.C., which requires every public utility to charge for a Building Energy Efficiency Rating System (BERS) Audit.

(Continued from previous page)

ISSUE 2: If the Commission denies Florida Power and Light's Motion to Dismiss the Complaint of the National Energy Raters Association, what is the appropriate disposition of the Complaint?

RECOMMENDATION: The Complaint should be dismissed because the utilities appear to be charging the approved rates and implementing conservation programs approved by the Commission.

NO VOTE

ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed. If the Commission denies staff's recommendation in Issue 1, but approves staff's recommendation in Issue 2 and no substantially affected person files a protest within 21 days of the issuance of the Order, this docket should be closed upon issuance of a Consummating Order.

APPROVED