

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

OCTOBER 15, 2002

RE: Docket No. 020233-EI - Review of GridFlorida Regional Transmission Organization (RTO) Proposal.

ISSUE A: Should the Commission abate further proceedings in this docket, in light of the automatic stay which is effected by operation of law pursuant to Rule 9.310(b)(2), Florida Rules of Appellate Procedure?

RECOMMENDATION: Yes. The Commission should abate the October 31, 2002 administrative hearing, pending disposition of OPC's appeal of Order No. PSC-02-1199-PAA-EI. No ruling should be made with respect to Issues 1 through 8 of the recommendation, and this docket should remain open pending disposition of the appeal and any other further proceedings that may be deemed necessary.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

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DOCUMENT NUMBER-DATE

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ISSUE 1: Should the Commission grant the Office of Public Counsel's request for oral argument on its Motion for Stay of Proceedings and Motion for Reconsideration of Order No. PSC-02-1199-PAA-EI?

RECOMMENDATION: Yes. Oral argument would aid the Commission in comprehending and evaluating the issues before it, due to the complexity of this matter. Accordingly, for purposes of this recommendation, Staff recommends that oral argument should be limited to ten minutes for each side.

NO VOTE

ISSUE 2: Should the Commission grant the Office of Public Counsel's Motion for Stay of Proceedings and Motion for Reconsideration of Order No. PSC-02-1199-PAA-EI?

RECOMMENDATION: No. OPC's motion for reconsideration of Order No. PSC-02-1199-PAA-EI does not identify a point of fact or law that the Commission overlooked or failed to consider in rendering the Order. OPC's motion for reconsideration is an untimely motion for reconsideration of the Commission's December 20 Order concerning the GridFlorida RTO. OPC's motion for stay should be denied.

NO VOTE

ISSUE 3: Should the Motion for Reconsideration filed by the Florida Municipal Group (collectively, Lakeland Electric, Kissimmee Utility Authority, Gainesville Regional Utilities, and the City of Tallahassee) be granted?

RECOMMENDATION: No. FMG has not identified a point of fact or law which was overlooked or which the Commission failed to consider in rendering its decision. Therefore, the motion for reconsideration should be denied.

NO VOTE

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ISSUE 4: Should the motion for reconsideration filed by Reedy Creek Improvement District be granted?

RECOMMENDATION: No. Reedy Creek has not identified a point of fact or law which was overlooked or which the Commission failed to consider in rendering its decision. Therefore, the motion for reconsideration should be denied.

NO VOTE

ISSUE 5: Should the Motion for Reconsideration of Seminole Electric Cooperative, Inc. and Calpine Corporation be granted?

RECOMMENDATION: No. Seminole and Calpine's motion for reconsideration with respect to the Attachment T cutoff date should be denied pursuant to Rule 25-22.029, Florida Administrative Code. Furthermore, neither issue raised in the motion identifies a point of fact or law which was overlooked or which the Commission failed to consider in rendering its decision. Therefore, the motion for reconsideration should be denied in its entirety.

NO VOTE

ISSUE 6: Should the Motion for Clarification or Reconsideration filed by the Florida Municipal Power Agency be granted?

RECOMMENDATION: FMPA's motion should be granted, and the Commission should clarify that the new facilities demarcation date was intended to issue as proposed agency action in Order No. PSC-02-1199-PAA-EI, so that the date could be more fully discussed and examined at the October 31, 2002, expedited hearing in this docket.

NO VOTE

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ISSUE 7: Should the motion for reconsideration filed by Florida Power Corporation be granted?

RECOMMENDATION: Consistent with staff's recommendation in issue 6, FPC's motion should be granted and the Commission should clarify that the new facilities demarcation date was intended to issue as proposed agency action in Order No. PSC-02-1199-PAA-EI, so that the date could be more fully discussed and examined at the October 31, 2002 expedited hearing in this docket.

NO VOTE

ISSUE 8: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open to conduct the administrative hearing scheduled for October 31, 2002.

NO VOTE