

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

OCTOBER 15, 2002

RE: Docket No. 020829-EC - Petition for declaratory statement concerning urgent need for electrical substation in North Key Largo by Florida Keys Electric Cooperative Association, Inc., pursuant to Section 366.04, Florida Statutes.

ISSUE 1: Should the Commission issue a declaratory statement that FKEC shall construct a new electric substation at a certain site no later than December 31, 2002?

RECOMMENDATION: No. The Commission should decline to issue the declaratory statement that FKEC requests. FKEC's declaratory statement petition does not meet the threshold requirements for a declaratory statement. There is no uncertainty or question about the applicability of law for the Commission to answer, nor will granting the petition resolve a controversy or serve the purpose of avoiding litigation. In addition, a proceeding that addresses the same subject matter is pending before the Florida Division of Administrative Hearings. Staff recommends that the Commission direct FKEC to file a report by December 31, 2002, on the status of its actions and plans to restore reliability.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in majority column]

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission votes to dispose of the petition for declaratory statement, the docket should be closed.

APPROVED