

VOTE SHEET

JANUARY 21, 2003

RE: Docket No. 020995-EI - Joint petition for approval of first amendment to restated agreement for purchase of firm capacity and energy between Florida Power & Light Company and AES Cedar Bay, Inc. by Florida Power & Light Company.

ISSUE 1: Should the Commission grant the joint petition of Florida Power & Light Company and Cedar Bay Generating Company, Limited Partnership, for approval of the First Amendment to the Restated Agreement for purchase of firm capacity and energy between FPL and AES Cedar Bay, Inc.?

RECOMMENDATION: Yes. The First Amendment to the Restated Agreement (Amendment) appears to balance the interests of both parties, and will avert further litigation. If Cedar Bay's performance remains the same or deteriorates, capacity payments will be reduced. If Cedar Bay's performance increases significantly, FPL's ratepayers will be responsible for higher capacity payments. However, FPL will enjoy increased reliability and improved flexibility in dispatching the facility. FPL will likely experience energy savings because the Amendment provides an incentive for Cedar Bay to provide additional energy priced below FPL's as-available energy price. FPL should be authorized to recover costs incurred under the Amendment through the Fuel and Purchased Power Cost Recovery Clause and the Capacity Cost Recovery Clause, subject to annual review in those proceedings.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of five commissioners under the MAJORITY column.

Five horizontal lines under the DISSENTING column, with no signatures.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

00617 JAN 21 8

FPLSC-COMMISSION CLERK

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If no person whose substantial interests are affected by this proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order.

APPROVED