

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JUNE 29, 2004

RE: Docket No. 040320-EI - Request for exclusion under Rule 25-6.0455(3), F.A.C., for an outage event on March 17, 2004, by Gulf Power Company.

Issue 1: Should the Commission approve Gulf's petition to exclude from its 2004 Annual Distribution Service Reliability Report service interruptions that occurred in Pensacola on March 17, 2004, when a marine vessel contacted feeder wires at Bayou Chico?

Recommendation: Yes. Gulf has demonstrated that the contact to their feeder wires was not within the utility's control and that it took reasonable steps to construct the feeder in a manner to avoid contact with the feeder wires.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Charles M. Dwork

Walt J. ...

Michael ...

J. ...

Rudy ...

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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Issue 2: Should this docket be closed?

Recommendation: Yes. This docket should be closed upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action.

APPROVED