

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

OCTOBER 5, 2004

RE: Docket No. 040472-EI - Petition for approval of cost recovery for new environmental program necessitated by U.S. Environmental Protection Agency's adoption of rules establishing new requirements for cooling water intake structures at existing electric power generating facilities under Section 316(b) of Clean Water Act, by Progress Energy Florida, Inc.

Issue 1: Should the Commission approve PEFI's petition for cost recovery of the Comprehensive Demonstration Study and the costs to implement any new design, operational, or restoration activities needed to reduce mortality of fish and shellfish pursuant to new federal standards for cooling water intake structures? Recommendation: Yes in part, and no in part. The program is eligible for recovery through the ECRC and any prudently incurred costs for the Comprehensive Demonstration Study are appropriate for recovery through the ECRC consistent with the Commission's offsetting policy established in Order No. PSC-00-1167-PAA-EI. However, it is premature to approve cost recovery for implementing any new design, operational, or restoration activities because projections of those costs cannot be supplied at this time. If the new EPA rules are stayed, PEFI should submit a copy of the stay to the Commission within two weeks of its issuance.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Charles M. DeLoach, Mark O'Brien, and Judy Bradley.

Handwritten signature of dissenting commissioner: J. Jerry Deason.

REMARKS/DISSENTING COMMENTS:

* Commissioner Deason dissented.

DOCUMENT NUMBER-DATE

10709 OCT-5 04

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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