

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

OCTOBER 5, 2004

RE: Docket No. 040582-EI - Petition for approval of recovery through environmental cost recovery clause of costs associated with Clean Water Act section 316(b) Phase II rule project, by Florida Power & Light Company.

Issue 1: Should the Commission approve FPL's petition for the Comprehensive Demonstration Study as a new activity for cost recovery through the ECRC?

Recommendation: Yes. 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. If a stay of the new rules is issued, then FPL 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]

[Handwritten signature of dissenting commissioner]

REMARKS/DISSENTING COMMENTS:

* Commissioner Deason dissented.

DOCUMENT NUMBER-DATE
10710 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