

VOTE SHEET

FEBRUARY 1, 2005

~~Request to exclude April 11-12, 2004 and June 13, 24, and 26, 2004 outage events from annual distribution service reliability report by Tampa Electric Company.~~

Issue 1: Should the Commission grant Tampa Electric Company's petition for waiver or variance of the 30-day filing requirement in Rule 25-6.0455(3), Florida Administrative Code?

Recommendation: No. The Commission should deny Tampa Electric Company's petition because Tampa Electric has not demonstrated that application of the rule would create a substantial hardship or violate principles of fairness. If the Commission approves this recommendation, Tampa Electric Company's related outage exclusion request should be denied as untimely.

DENIED

Staff's recommendation was denied. Additionally, TECO's withdrawal of the June outage events from its petition was acknowledged, and its modified petition for waiver was then approved.

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

L. Eder
Richard Brackley
Meritt
J. Terry
Charles M. Dard

REMARKS/DISSENTING COMMENTS:

CCA note: Corrected 2/15/05 following review of audiotape.

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replacement
DOCUMENT NUMBER-DATE
01159 FEB-1 05

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Docket No. 041375-EI - Request to exclude April 11-12, 2004 and June 13, 24, and 26, 2004 outage events from annual distribution service reliability report by Tampa Electric Company.

(Continued from previous page)

Issue 2: Should this docket be closed?

Recommendation: If no person whose substantial interests are affected by the 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.

DENIED

Modified - docket will remain open pending disposition of TECO's outage exclusion request