

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JULY 5, 2005

RE: Docket No. 050078-EI - Petition for rate increase by Progress Energy Florida, Inc.

Issue 1: Should the Commission grant PEF's motion to dismiss FRF's Petition to Conduct General Rate Case and Request for Hearing?

Recommendation: Rather than dismiss, the Commission should deny FRF's Petition. Although the Petition filed by FRF is styled as a request to initiate proceedings, the relief sought by FRF is purely procedural. The Petition asks the Commission to conduct a rate case for PEF and suggests that the result of this requested rate case should become effective at the conclusion of the currently operative rate settlement for PEF. A proceeding to determine the fair, just, and reasonable rates for PEF to implement upon conclusion of the currently operative rate settlement has already been initiated, and FRF may fully and fairly represent its interests in that proceeding.

What is truly being sought by FRF is a procedural placeholder - in the form of a separate but contemporaneous rate proceeding - that would allow FRF, in the event it is unsatisfied with a hypothetical stipulation among PEF and other parties to the docket, to press the case to hearing under the established time schedule. The Commission should not provide FRF such additional process rights beyond the due process rights afforded to all parties.

DEFERRED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

06273 JUL -5 05

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Docket No. 050078-EI - Petition for rate increase by Progress Energy Florida, Inc.

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Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open.