

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

FEBRUARY 7, 2006

RE: **Docket No. 050835-GU** - Petition for approval of Amendment No. 2 to gas transportation agreement (special contract), master gas transportation service termination agreement, delivery point lease agreement and letter agreement: CFG Transportation Aggregation Service between Florida Division of Chesapeake Utilities Corporation and Polk Power Partners, L.P.

Issue 1: Should Amendment No. 2 to the Gas Transportation Agreement (Special Contract), Master Gas Transportation Service Termination Agreement, Delivery Point Lease Agreement, and Letter Agreement: CFG Transportation Aggregation Service between Chesapeake and Polk Power be approved?

Recommendation: Yes. Staff recommends that Amendment No. 2 to the Gas Transportation Agreement (Special Contract), Master Gas Transportation Service Termination Agreement, Delivery Point Lease Agreement, and Letter Agreement: CFG Transportation Aggregation Service between Chesapeake and Polk Power should be approved effective January 1, 2005.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Katrina J. Jew
J. J. (Issue 1/3)
J. Arriaga
J. Terry
Scott Carter

Issue (2)
Issue ~~(2)~~ (2)

REMARKS/DISSENTING COMMENTS:

Commissioners Arriaga and Carter dissented on Issue 1.

DOCUMENT NUMBER-DATE

01081 FEB-7 06

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Issue 2: Should Chesapeake be required to show cause, in writing within 21 days, why it should not be fined for its apparent violation of Section 366.06(1), Florida Statutes, and Rule 25-9.034(1), Florida Administrative Code, for its failure to obtain Commission approval prior to the execution of Amendment No. 2 to Gas Transportation Agreement (Special Contract) with Polk Power Partners, L.P.?

Recommendation: No. Chesapeake should not be required to show cause why it should not be fined for its apparent violation of Section 366.06(1), Florida Statutes, and Rule 25-9.034(1), Florida Administrative Code, for its failure to obtain Commission approval prior to the execution of Amendment No. 2 to Gas Transportation Agreement (Special Contract) with Polk Power Partners, L.P. However, Chesapeake should be put on notice that future implementation of any rates and/or charges prior to Commission approval, in apparent violation of Section 366.06(1) Florida Statutes and/or Rule 25-9.034(1), Florida Administrative Code, could result in the initiation of show cause proceedings.

APPROVED

Commissioners Brriaga and Carter dissented.

Issue 3: Should this docket be closed?

Recommendation: Yes. If no timely protest is filed by a person whose substantial interests are affected within 21 days of the Commission Order approving the Agreement, this docket should be closed upon the issuance of a Consummating Order. If a protest is timely filed by a substantially interested person, the Agreement should remain in effect pending resolution of the protest and the docket should remain open.

APPROVED