

VOTE SHEET

February 28, 2006

Docket No. 050925-EI – Petition for declaratory statement that, pursuant to Rule 25-6.100(7), F.A.C., and Commission Orders 8035 and 8029, Progress Energy Florida, Inc. is permitted to collect franchise fees from its customers within the town limits of the Town of Belleair to comply with Town's November 15, 2005 demand for payment of franchise fees for period between September 24, 2002 and November 11, 2004, by Progress Energy Florida, Inc.

Issue 1: Should the Commission grant Progress Energy Florida's Petition for Declaratory Statement that it may collect franchise fees due to the Town of Belleair from the customer-residents of that town, for the time period September 24, 2002 through November 11, 2004?

Recommendation: No. The Commission should deny Progress Energy Florida's Petition and decline to issue a declaratory statement because unanswered questions remain regarding the Town of Belleair's legal authority to retroactively impose the franchise fee.

DENIED

A declaratory statement will be issued stating the company has the right to collect the fees from the customers of the Town of Belleair, if such a fee is found to be due and payable.

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Katrina J. Jew
J. P. [Signature]
Jan Edger
J. Terry [Signature]
[Signature]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

01699 FEB 28 06

FPSC-COMMISSION CLERK

Vote Sheet

February 28, 2006

Docket No. 050925-EI – Petition for declaratory statement that, pursuant to Rule 25-6.100(7), F.A.C., and Commission Orders 8035 and 8029, Progress Energy Florida, Inc. is permitted to collect franchise fees from its customers within the town limits of the Town of Belleair to comply with Town's November 15, 2005 demand for payment of franchise fees for period between September 24, 2002 and November 11, 2004, by Progress Energy Florida, Inc.

(Continued from previous page)

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission votes to dispose of the petition for declaratory statement, the docket should be closed.

APPROVED