

VOTE SHEET

May 22, 2007

**Docket No. 070232-EQ** – Petition for approval of new standard offer for purchase of firm capacity and energy from renewable energy facilities or small qualifying facilities and approval of tariff schedule REF-1, by Gulf Power Company.

**Docket No. 070234-EQ** – Petition for approval of renewable energy tariff standard offer contract, by Florida Power & Light Company.

**Docket No. 070235-EQ** – Petition for approval of standard offer contract for purchase of firm capacity and energy from renewable energy producer or qualifying facility less than 100 kW tariff, by Progress Energy Florida, Inc.

**Docket No. 070236-EQ** – Petition for approval of standard offer contract for small qualifying facilities and producers of renewable energy, by Tampa Electric Company.

**Issue 1:** Are the standard offer contracts filed by Florida Power & Light (FPL), Progress Energy Florida (PEF), Gulf Power Company (Gulf), and Tampa Electric Company (TECO) in compliance with Rules 25-17.200 through 25-17.310, Florida Administrative Code?

**Recommendation:** Gulf's and TECO's proposed Standard Offer Contracts are in compliance with Rules 25-17.200 through 25-17.310, Florida Administrative Code, and therefore should be approved. Staff recommends the Commission deny FPL's and PEF's proposed Standard Offer Contracts because the utilities have not justified the inclusion of an equity adjustment in the calculation of capacity payments.

**MODIFIED**

*Staff recommendation was approved with oral modification made by staff at the conference. Staff now recommends that the Commission approve all four standard offer contracts because both FPL & PEF have filed revised standard offer contract sheets that remove the equity adjustment & FPL has also*

**COMMISSIONERS ASSIGNED:** All Commissioners *Added language regarding the right of first refusal for TRECS.*  
COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Neil A. Ditz*  
\_\_\_\_\_  
*Katrina J. McMurrian*  
\_\_\_\_\_  
*Lisa Ed*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

04190 MAY 23 08

Vote Sheet

May 22, 2007

Docket No. 070232-EQ – Petition for approval of new standard offer for purchase of firm capacity and energy from renewable energy facilities or small qualifying facilities and approval of tariff schedule REF-1, by Gulf Power Company.

Docket No. 070234-EQ – Petition for approval of renewable energy tariff standard offer contract, by Florida Power & Light Company.

Docket No. 070235-EQ – Petition for approval of standard offer contract for purchase of firm capacity and energy from renewable energy producer or qualifying facility less than 100 kW tariff, by Progress Energy Florida, Inc.

Docket No. 070236-EQ – Petition for approval of standard offer contract for small qualifying facilities and producers of renewable energy, by Tampa Electric Company.

(Continued from previous page)

**Issue 2:** Should these dockets be closed?

**Recommendation:** If the Commission approves staff's recommendation to approve the proposed Standard Offer Contracts and tariffs filed by Gulf and TECO, and no person whose substantial interests are affected requests a hearing to address these matters, then Docket Nos. 070232-EQ and 070236-EQ should be closed, and the Standard Offer Contracts and tariffs filed by Gulf and TECO should be effective as of the date of the Commission's vote. If a protest is filed within 21 days of the issuance of the Commission's order, the tariffs should remain in effect pending resolution of the protest. Potential signatories to the standard offer contract should be aware that Gulf's and TECO's tariffs and standard offer contracts may be subject to a request for hearing, and if a hearing is held, may subsequently be revised.

If the Commission approves staff's recommendation to deny the proposed Standard Offer Contracts and tariffs filed by FPL and PEF, Docket Nos. 070234-EQ and 070235-EQ should be closed. If a person whose substantial interests are affected requests a hearing to address the denial of the tariffs within 21 days of the issuance of the Commission's order, Docket Nos. 070234-EQ and 070235-EQ should remain open pending resolution of the protest.

**MODIFIED**

*staff recommendation was approved consistent with the oral modification made by staff.*