

VOTE SHEET

January 29, 2008

Docket No. 070677-EQ – Petition for approval of negotiated renewable energy contract with Manatee Green Power, LLC, by Florida Power & Light Company.

Issue 1: Should the Commission approve the requested clause recovery for capacity and energy payments incurred under the negotiated contract between Florida Power & Light Company (FPL) and Manatee Green Power, LLC (Manatee)?

Recommendation: Yes. When consideration is given to the baseload characteristics of the capacity and energy to be delivered under the contract, payments for capacity and energy are not expected to exceed FPL's avoided costs. The performance requirements under the contract are uniquely suited to the Manatee project. As part of the approval process, the Commission may consider the "characteristics of the capacity and energy to be delivered under the contract" pursuant to Rule 25-17.240(2), F.A.C.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the Majority column]

REMARKS/DISSENTING COMMENTS:

Commissioner Argenziano participated in the conference by telephone. She agreed with dissented from the majority vote and will sign the vote sheet upon return to the office.

DOCUMENT NUMBER-DATE

01058 FEB 11 08

FPSC-COMMISSION CLERK

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Issue 2: Should the Commission approve FPL's request for recovery through the fuel clause for costs associated with payment for "Green Attributes" under terms of the negotiated contract?

Recommendation: No. It would not be appropriate for the general body of ratepayers to be obligated to pay the cost to purchase speculative "Green Attributes" that may be associated with the Manatee project. Such an obligation would require FPL's general body of ratepayers to pay in excess of avoided cost and therefore be contrary to Order No. PSC-02-1059-DS-EQ. Staff recommends that FPL be authorized to go forward with the contract and that the cost associated with purchase of "Green Attributes" should be booked below the line. The "Green Attributes" purchased should be the property of FPL, and any profit or loss resulting from the sale of such attributes should also be booked below the line.

Commission adopts the proposed language of FPL to grant administrative authority to staff to approve the contract without the purchase of "Green Attributes."

Issue 3: Should this docket be closed?

Recommendation: Yes, this docket should be closed upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action.

APPROVED