

VOTE SHEET

February 12, 2008

Docket No. 070231-EI – Petition for approval of 2007 revisions to underground residential and commercial distribution tariff, by Florida Power & Light Company.

Issue 1: Should the Commission grant FPL's Motion to Dismiss?

Recommendation: No. The Commission should find that the Protestors have standing. Further, the Protestors have stated viable claims for relief in the matter of the proper calculation of the underground differential for new subdivisions, pursuant to Rule 25-6.078, F.A.C. Thus, the Motion to Dismiss should be denied with respect to the Protestors' Issues 1, 2, 3, and 5. The Commission should grant FPL's petition to dismiss Issue 4 of the Protestors concerning the Governmental Adjustment Factor (GAF). FPL did not propose any changes to the application of the GAF in this docket and that matter is unrelated to the proper calculation of differentials for new construction at issue here.

**DEFERRED**

Issue 2: Should this docket be closed?

Recommendation: If the Commission approves staff's recommendation, the docket should remain open for the processing of the Protest.

**DEFERRED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK