

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

May 20, 2008

Docket No. 080039-EI – Complaint of Sallijo A. Freeman against Florida Power & Light Company for violation of Rule 25-6.105, F.A.C. (Deferred from the April 4, 2008 Commission Conference, revised recommendation filed.)

Issue 1: Should the Commission grant Petitioner Sallijo Freeman’s request to address the Commission at the Agenda Conference on May 20, 2008?

Recommendation: The Commission should grant Ms. Freeman’s request to address the Commission on May 20, 2008, on the Motion to Dismiss. However, the Commission should limit the presentation to the issues raised by the Motion to Dismiss, which is whether Ms. Freeman’s petition alleges facts sufficient to state a cause of action upon which relief may be granted.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Ned A. Igo, Katrina J. McMurrin, Matt B. Fisher, and H. Guyton.

REMARKS/DISSENTING COMMENTS:

Blank lines for dissenting signatures.

DOCUMENT NUMBER-DATE

04166 MAY 20 08

FPSC-COMMISSION CLERK

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**Issue 2:** Should the Commission grant Florida Power & Light Company's Motion to Dismiss the Complaint of Sallijo A. Freeman?

**Recommendation:** The Commission should grant Florida Power & Light Company's Motion to Dismiss. Although petitioner's complaint alleges facts which, when taken as true and construed in the light most favorable to the petitioner, state a cause of action, there is no additional relief that the Commission may grant the petitioner. In her complaint, petitioner has asked that FPL be directed to restore her power. FPL has restored Ms. Freeman's electrical service. The petitioner has also asked that she be awarded damages resulting from the allegedly improper termination of services. The Commission lacks jurisdiction to award monetary damages.

**APPROVED**

**Issue 3:** Should this docket be closed?

**Recommendation:** Yes. If the Commission accepts staff's recommendation in Issue 2, this docket should be closed after the time for appeal has expired.

**APPROVED**