

Ann Cole

090144-EI

From: Chuck Hill
Sent: Monday, May 18, 2009 12:32 PM
To: Katherine Fleming; Mary Bane
Cc: Betty Ashby; Selena Chambers; Booter Imhof; Mary Anne Helton; Jennifer Brubaker; Ann Cole; Tim Devlin; Marshall Willis; Cheryl Bulecza-Banks; Erik Sayler; Caroline Klancke; Keino Young; William C. Garner; Lorena Holley; Roberta Bass; Bill McNulty; Larry Harris; Lois Graham; Kay Posey; Kelly McLanahan; Cristina Slaton; Steve Larson
Subject: RE: Request for Oral Modification - Item 10, May 19, 2009 Agenda Conference

Approved.

From: Katherine Fleming
Sent: Monday, May 18, 2009 11:17 AM
To: Mary Bane; Chuck Hill
Cc: Betty Ashby; Selena Chambers; Booter Imhof; Mary Anne Helton; Jennifer Brubaker; Ann Cole; Tim Devlin; Marshall Willis; Cheryl Bulecza-Banks; Erik Sayler; Caroline Klancke; Keino Young; William C. Garner; Lorena Holley; Roberta Bass; Bill McNulty; Larry Harris; Lois Graham; Kay Posey; Kelly McLanahan; Cristina Slaton; Steve Larson
Subject: Request for Oral Modification - Item 10, May 19, 2009 Agenda Conference

Staff requests permission to make two oral modifications to its recommendation for Docket No. 090144-EI, which the Commission will address as Item 10 at the May 19, 2009, Agenda Conference.

Upon further review, staff believes that the last sentence of the first full paragraph contained on page 7 of the staff recommendation should be stricken as it contains an inadvertent misstatement. The paragraph should be modified as shown below in legislative format:

COM _____
 ECR _____
 CCL _____
 OPC _____
 RCP _____
 SSC _____
 SGA _____
 ADM _____
 CLK Cole
 Wang, Purvis
 Peña, Macko

PEF's Petition for a Limited Proceeding for the Bartow Repowering Project contains a tariff sheet listing its proposed charges. Thus, by filing a revised tariff sheet with its petition staff believes that PEF triggered the application of the "file and suspend" provisions of Section 366.06, F.S. Pursuant to the Commission's authority under these provisions, the Commission may, without hearing, approve or deny recovery of the proposed charges subject to refund, pending the outcome of a final hearing in this matter. Alternatively, the Commission may take no action on the proposed tariff within the 60-day suspension period, thus allowing the proposed charges to go into effect by operation of law. ~~Under this course of action, however, the amounts collected by PEF would not be subject to refund.~~

In addition, to more accurately reflect staff's recommendations in other issues, staff also requests permission to modify Issue 7 (close the docket issue), as shown below in legislative format:

Issue 7: Should this docket be closed?

Recommendation: ~~Yes~~ No. ~~If a protest is filed within 21 days of the issuance of the order, this tariff should remain in effect, with any revenues held subject to refund, pending review in the base rate proceeding in Docket No. 090079-EI. resolution of the protest. Furthermore, Staff also recommends that if the order is protested, this docket~~

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should be consolidated with Docket No. 090079-EI, PEF's rate base rate proceeding, in the interest of administrative efficiency, and given the congruence between the issues and parties in the two dockets. ~~If no timely protest is filed, this docket should be closed upon the issuance of a consummating order.~~ (Fleming)

Staff Analysis: ~~Yes No.~~ ~~If a protest is filed within 21 days of the issuance of the order,~~ ~~†~~ This tariff should remain in effect, with any revenues held subject to refund, pending review in the base rate proceeding in Docket No. 090079-EI. ~~resolution of the protest.~~ Furthermore, ~~Staff also recommends that if the order is protested,~~ this docket should be consolidated with Docket No. 090079-EI, PEF's rate base rate proceeding, in the interest of administrative efficiency, and given the congruence between the issues and parties in the two dockets. ~~If no timely protest is filed, this docket should be closed upon the issuance of a consummating order.~~

Please let me know if you have any questions or concerns regarding this request.

Thank you.