

VOTE SHEET

May 19, 2009

Docket No. 090144-EI – Petition for limited proceeding to include Bartow repowering project in base rates, by Progress Energy Florida, Inc.

Issue 1: Does the stipulation approved by Order No. PSC-05-0945-S-EI allow PEF to request a limited proceeding to implement a base rate increase?

Recommendation: Yes. Staff believes that the Stipulation clearly contemplates PEF's request for a limited proceeding for the Bartow Repowering Project and that such a proceeding is not prohibited by the Stipulation. Moreover, staff believes that by filing the revised tariff sheet with its petition, PEF has triggered the application of the "file and suspend" provisions of Section 366.06, F.S.

APPROVED; Commissioner Argenziano dissented.

Issue 2: Is PEF's calculation of the \$126,212,000 annual base rate increase and the 9.12 percent increase factor to recover the revenue requirements associated with the Bartow Repowering Project reasonable?

Recommendation: Yes. Staff recommends that the \$126,212,000 annual base rate increase and 9.12 percent increase factor for the Bartow Repowering Project are reasonable for the purposes of this limited proceeding.

APPROVED; Commissioner Argenziano dissented.

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Katrina J. McMurrain, Lynn E. Carter, and Nancy Argenziano by Jay D. Hair.

Handwritten signature of dissenting commissioner: Nancy Argenziano by Jay D. Hair.

REMARKS/DISSENTING COMMENTS: Chairman Carter and Commissioner Argenziano participated in the conference by telephone. They will sign the vote sheet upon their return to the office.

Oral modification (DN04800-09) attached.

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Issue 3: Should the \$126,212,000 annual base rate increase to recover the revenue requirements associated with the Bartow Repowering Project be held subject to refund?

Recommendation: Yes. The \$126,212,000 annual base rate increase should be held subject to refund pending a review and final determination of the appropriate calculation of the Bartow Repowering Project revenue requirements in PEF's base rate proceeding in Docket No. 090079-EI.

APPROVED

Issue 4: Should the Commission approve PEF's revised tariff sheets?

Recommendation: The tariff sheets as filed reflect both the Project increase and the interim increase requested in Docket No. 090079-EI. If the Commission denies or modifies the interim increase request, PEF should file revised tariff sheets reflecting the Commission's decision in Docket No. 090079-EI, and the Project increase approved in this docket. The appropriate tariff sheets reflecting the Project increase should be approved and the resulting increase in revenues held subject to refund pending the outcome of the hearing in Docket No. 090079-EI. If the Commission denies the Project increase, this issue is moot.

APPROVED; *Commissioner Argenziano dissented.*

Issue 5: What is the appropriate effective date for implementing the \$126,212,000 annual base rate increase?

Recommendation: If the Commission approves PEF's request to increase base rates by \$126,212,000 annually, the effective date for implementing the base rate increase is the first billing cycle in July 2009. Starting with the first billing cycle in June 2009, PEF should include bill inserts to notify its customers of the base rate increase. If the commercial operation of the Bartow Repowering Project is delayed from the projected June 1, 2009, date, the effective date should be moved to the first billing cycle 30 days following the commercial operation in-service date.

APPROVED; *Commissioner Argenziano dissented.*

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Issue 6: What is the appropriate security to guarantee the amount collected subject to refund?

Recommendation: The appropriate security to guarantee the funds collected subject to refund is a corporate undertaking.

APPROVED

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 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.~~

APPROVED *with oral modification noted above.*

Ann Cole

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, MacEO

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.