

VOTE SHEET

August 18, 2009

Docket No. 080677-EI – Petition for increase in rates by Florida Power & Light Company.
Docket No. 090079-EI – Petition for increase in rates by Progress Energy Florida, Inc.

Issue 1: Should PEF and FPL's Requests for Determination by Full Commission be granted?

Recommendation: Yes, PEF and FPL's Requests for Determination by Full Commission should be granted. PEF did not request a full Commission ruling on its Second Request for Confidential Classification pertaining to certain salary information provided in response to Interrogatory No. 1 from Staff's First Set of Interrogatories (Nos. 1-2). The full Commission should also consider that request, which is addressed within Issue 2 of this recommendation.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Neil A. Singh
Katrina J. McMurriss
[Signature]
Lori Edy
Mary Argenziano & Jay D. Heis

REMARKS/DISSENTING COMMENTS: Commissioner Argenziano participated in the conference by telephone. She will sign the vote sheet upon her return to the office. *Oral modification, DN 08541-09, attached.*

DOCUMENT NUMBER-DATE

08596 AUG 19 09

August 18, 2009

Docket No. 080677-EI – Petition for increase in rates by Florida Power & Light Company.

Docket No. 090079-EI – Petition for increase in rates by Progress Energy Florida, Inc.

(Continued from previous page)

Issue 2: Should the portion of PEF's Second Request for Confidential Classification pertaining to the information provided in response to Interrogatory No. 1 from Staff's First Set of Interrogatories (Nos. 1-2) (contained within, but not comprising all of DN 04092-09), PEF's Fifth Request for Confidential Classification for Portions of its Response to Interrogatory Nos. 123-124 from Staff's Tenth Set of Interrogatories (Nos. 123-126) (DN 07388-09), and PEF's Sixth Request for Confidential Classification for Portions of its Response to Staff's Eighteenth Set of Interrogatories (Nos. 197-198) (DN 07595-09) be granted?

Recommendation: No, the portion of PEF's Second Request for Confidential Classification pertaining to the information provided in response to Interrogatory No. 1 from Staff's First Set of Interrogatories (Nos. 1-2) (contained within, but not comprising all of DN 04092-09), PEF's Fifth Request for Confidential Classification for Portions of its Response to Interrogatory Nos. 123-124 from Staff's Tenth Set of Interrogatories (Nos. 123-126) (DN 07388-09), and PEF's Sixth Request for Confidential Classification for Portions of its Response to Staff's Eighteenth Set of Interrogatories (Nos. 197-198) (DN 07595-09) should be denied. PEF should be required to provide in a publicly available manner, spreadsheets which, at a minimum, match the compensation information at issue to the specific job titles previously provided.

APPROVED

Issue 3: Should FPL's Revised Request for Confidential Classification of Staff's Third Set of Interrogatories No. 16, Staff's Fourth Set of Interrogatories No. 32, and Staff's Eighth Set of Interrogatories No. 97 (DN 07400-09 and DN 07694-09) be granted?

Recommendation: No, FPL's Revised Request for Confidential Classification of Staff's Third Set of Interrogatories No. 16, Staff's Fourth Set of Interrogatories No. 32, and Staff's Eighth Set of Interrogatories No. 97 (DN 07400-09 and DN 07694-09) should be denied. FPL should be required to provide in a publicly available manner, spreadsheets which, at a minimum, match the compensation information at issue to the specific job titles previously provided.

APPROVED

Issue 4: Should these dockets be closed?

Recommendation: No, these dockets should remain open to process PEF and FPL's pending rate cases.

APPROVED

Ann Cole

From: Mary Bane
Sent: Monday, August 17, 2009 3:23 PM
To: Rosanne Gervasi
Cc: Betty Ashby; Booter Imhof; Mary Anne Helton; Samantha Cibula; Jennifer Brubaker; Tim Devlin; Beth Salak; Marshall Willis; Betty Ashby; Chuck Hill; William C. Garner; Roberta Bass; Kay Posey; Larry Harris; Bill McNulty; Ann Cole
Subject: Re: request to make oral modification to Item 4 on tomorrow's agenda

Approved.

 Sent from my BlackBerry Wireless Handheld

From: Rosanne Gervasi
To: Mary Bane
Cc: Betty Ashby; Booter Imhof; Mary Anne Helton; Samantha Cibula; Jennifer Brubaker; Tim Devlin; Beth Salak; Marshall Willis
Sent: Mon Aug 17 15:20:13 2009
Subject: request to make oral modification to Item 4 on tomorrow's agenda

On August 13, 2009, FPL filed a revised request for confidentiality of its employee compensation information. Therefore, this is to request to make the following oral modification at agenda tomorrow with respect to Item 4:

We have an oral modification to the recommendation, with respect to Issue 3, for FPL. On August 13, 2009, FPL filed its Second Revised Request for Confidential Classification, which FPL indicates is intended to replace and supersede its previously filed requests for confidentiality that are the subject of this recommendation. By this new filing, FPL seeks to protect employee compensation information that the company included in supplemental responses to staff interrogatory nos. 16, 17, 32, and 97. FPL's arguments for maintaining the confidentiality of this employee compensation information are the same arguments that it made in its previous requests for confidentiality, and are laid out in issue 3. Staff recommends that FPL's 2nd revised request for confidential classification be denied for the reasons set forth in the recommendation.

**CLK AGENDA
 STAFF COPIED**

DOCUMENT NUMBER-DATE

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8/17/2009

FPSC-COMMISSION CLERK