

VOTE SHEET

January 11, 2011

Docket No. 100155-EG – Petition for approval of demand-side management plan of Florida Power & Light Company. (Deferred from the December 14, 2010 Commission Conference.)

Issue 1: Does FPL’s proposed 2010 Demand-Side Management (DSM) Plan satisfy the Company’s numeric conservation goals set by the Commission in Order No. PSC-09-0855-FOF-EG?

Recommendation: No. FPL’s proposed DSM Plan fails to meet its residential goals in at least one category for eight years. Similarly, the Company’s Plan does not meet all the annual commercial/industrial goals for eight years of the ten-year period. FPL’s failure to meet its annual conservation goals may result in financial penalties or other appropriate action.

Consistent with Section 366.82(7), F.S., staff recommends that FPL file specific program modifications or additions that are needed for the 2010 DSM Plan to be in compliance with Order No. PSC-09-0855-FOF-EG within 30 days of the Commission’s Order in this docket. The compliance filing should not include savings associated with FPL’s solar pilot programs.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of three commissioners in the majority column.

Blank lines for dissenting signatures.

Document Number: 0287 JAN 12 = FPSC-COMMISSION CLERK

REMARKS/DISSENTING COMMENTS:

Document number 08404-10 was provided at the Commission Conference (in consistency) of the vote. Document number 08404-10 is attached to this vote sheet. FPL was directed to provide information on the job creation for each measure of the overall program.

(Continued from previous page)

Issue 2: Are the programs contained in FPL's proposed 2010 DSM Plan cost-effective as this criterion is used in Commission Order No. PSC-09-0855-FOF-EG?

Recommendation: Yes. All programs in FPL's proposed 2010 DSM Plan pass the E-TRC and Participants tests. Audits, Pilot Programs, and Research & Development Programs are not included in this evaluation because they are not required to pass cost-effectiveness testing. FPL should be required to file program standards within 30 days of the Commission's Order in this docket.

The Commission should approve cost-effective programs to allow FPL to file for cost recovery. However, FPL must still demonstrate, during the cost recovery proceeding, that expenditures in executing its DSM Plan were reasonable and prudent. In addition, the Commission will evaluate FPL's compliance filing and make a final determination at that time regarding the cost-effectiveness of any modified or new programs.

APPROVED

Issue 3: Does FPL's proposed 2010 DSM Plan include pilot programs that encourage the development of solar water heating and solar PV technologies consistent with Commission Order No. PSC-09-0855-FOF-EG?

Recommendation: Yes. The cost of the proposed pilot programs is within the annual expenditure cap of \$15,536,870 specified by Commission Order No. PSC-09-0855-FOF-EG. However, the allocation of funds to: (1) solar thermal vs. solar PV, (2) private customers vs. public institutions, and (3) low-income residential varies widely among the investor-owned utilities. If the Commission desires to have more uniformity among the IOUs' programs, then the Commission should initiate public workshops to explore that issue further.

APPROVED

Issue 4: Do any of the programs in FPL's proposed Demand-Side Management Plan have an undue impact on the costs passed on to customers?

Recommendation: No. The proposed program costs are not undue because the increase in program costs correlates with the increase in goals. The Commission should evaluate the Company's compliance filing and make a final determination in the ECCR proceedings regarding the appropriateness of incentive levels.

APPROVED

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(Continued from previous page)

Issue 5: Should this docket be closed?

Recommendation: No. This docket should remain open for FPL to refile its demand-side management plan within 30 days from the date of this Order. In addition, if the Commission approves any programs, the programs should become effective on the date of the Consummating Order. If a protest is filed within 21 days of the issuance of the Order, the programs should not be implemented until after the resolution of the protest.

APPROVED

State of Florida

100155-EG



Public Service Commission

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RECEIVED-FPSC
10 OCT - 7 PM 2:41
COMMISSION CLERK

DATE: October 7, 2010
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Stephen Garl, Regulatory Analyst II, Division of Regulatory Analysis
RE: Memo to Commissioners re: Item 4A on October 12, 2010 Commission Conference

Please place the attached memo in the file for Docket 100155-EG.

Attachment: Commission Consideration of Item #4A, dtd October 5, 2010

cc: Beth Salak
Bob Trapp
Tom Ballinger
Katherine Fleming
Eric Saylor

DOCUMENT NUMBER DATE

08404 OCT-7 2

FPSC-COMMISSION CLERK

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
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-M-E-M-O-R-A-N-D-U-M-

DATE: October 5, 2010

TO: Nancy Argenziano, Chairman
Lisa Polak Edgar, Commissioner
Nathan A. Skop, Commissioner
Art Graham, Commissioner
Ronald A. Brisé, Commissioner

FROM: Beth W. Salak, Director, Division of Regulatory Analysis *BWS*

RE: Commission Consideration of Item #4A of the October 12, 2010, Commission Conference

At the Commission Conference on October 12, 2010, Commissioners will consider staff's recommendation for Docket 100155-EG, FPL's DSM Plan. The recommendation was filed on September 1, 2010, and has not been revised.

To maintain consistency with the votes at the September 14, 2010, Commission Conference, Commissioners may wish to take the following action on the FPL Demand-Side Management (DSM) Plan:

1. Approve the staff recommendation on Issue 1 with the modification that the compliance filing shall also include savings associated with FPL's solar pilot programs;
2. Deny the staff recommendation on Issue 2, and direct FPL to file specific program modifications or additions that are needed in order for the 2010 DSM Plan to be in compliance with Order No. PSC-09-0855-FOF-EG within 30 days of the Commission's order;
3. Approve the staff recommendation on Issue 3, and direct staff to conduct a workshop to address how the distribution of funds should be allocated;
4. Issue 4 would be moot; and
5. Approve the staff recommendation on Issue 5 that the docket remain open.

A copy of this memo will be forwarded to the Commission Clerk for inclusion in the Docket file. Please let me know if you have any questions or need additional information.

cc: Stephen C. Larson, Assistant to Chairman Argenziano
Roberta S. Bass, Assistant to Commissioner Edgar
William B. McNulty, Assistant to Commissioner Skop

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08404 OCT-7 2010
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Mark Long, Assistant to Commissioner Graham
Stephen R. West, Assistant to Commissioner Brisé
Timothy J. Devlin, Executive Director
Ann Cole, Commission Clerk, Office of Commission Clerk
Charles H. Hill, Deputy Executive Director
Robert L. Trapp, Assistant Director, Division of Regulatory Analysis
Thomas E. Ballinger, Utilities System/Engineering Spec Supervisor, Division of
Regulatory Analysis
Stephen Garl, Regulatory Analyst II, Division of Regulatory Analysis
Katherine E. Fleming, Senior Attorney, Office of the General Counsel
Erik L. Sayler, Senior Attorney, Office of the General Counsel
