

VOTE SHEET

DATE: January 21, 1997

RE: DOCKET NO. 960907-WS - Application for amendment of Certificates Nos. 306-W and 255-S in Charlotte/Lee Counties by Southern States Utilities, Inc.

Issue 1: Recommendation that, with regard to the City of Cape Coral's objection on the basis that a grant of SSU's application would violate Chapter 71-585, Laws of Florida, and the City's Code of Ordinances, including provisions pertaining to franchise fees developed pursuant to Chapter 180, F.S., SSU's motion to dismiss should be granted. With regard to the City's objection that a grant of SSU's application would violate its local comprehensive plan, SSU's motion to dismiss should be denied.

DEFERRED

Issue 2: Recommendation that the Commission not rule at this time on whether it should grant the City's request for attorney's fees and costs associated with bringing and maintaining its objection, to be paid by SSU.

COMMISSIONERS ASSIGNED: DS GR KS

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

PSC/RAR33 (5/90) *Staff to advise*

DOCUMENT NUMBER-DATE

00763 JAN 22 97

FPSC-RECORDS/REPORTING

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Issue 3: Recommendation that the docket remain open pending final disposition of the amendment application.