

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

DATE: APRIL 14, 1997

RE: DOCKET NO. 961299-WS - Application for grandfather certificate to operate a water and wastewater utility in Polk County, by Garden Grove Water Company, Inc.

Issue 1: Should the Commission grant Emmer's request for oral argument in this proceeding?

Recommendation: No. The Commission should deny Emmer's request for oral argument since interested parties in this item already have an opportunity to participate at the agenda conference.

DEFERRED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

Deferred to 5/6/97.

COMMISSIONER CLARK PARTICIPATED IN THE VOTE VIA 2-WAY CONFERENCE CALL. IN HER ORAL VOTE, SHE: AGREED WITH THE MAJORITY / DISSENTED. COMMISSIONER CLARK WILL SIGN THE ORIGINAL VOTE SHEET UPON HER RETURN TO TALLAHASSEE.

DOCUMENT NUMBER-DATE
-03900-APR 16 5
FPSC-RECORDS/REPORTING

Vote Sheet
Docket No. 961299-WS
April 14, 1997

Issue 2: Should the Commission grant Emmer Development Corp.'s Petition for Leave to Intervene, Request for Proposed Agency Action, and Request for Hearing?

Recommendation: No. Emmer Development Corp.'s Petition for Leave to Intervene, Request for Proposed Agency Action and Request for Hearing should be denied. Accordingly, the Commission should find Garden Grove's Motion to Dismiss moot.

Issue 3: Should Polk County's petition for leave to intervene be granted?
Recommendation: No. Since Garden Grove has a statutory entitlement to a grandfather certificate, Polk County's petition to intervene should be denied. However, if the Commission denies staff's recommendation on this basis, Polk County's petition to intervene should be denied for lack of standing.

Issue 4: Should the City of Lake Wales' Petition for Leave to Intervene be granted?
Recommendation: No. Since Garden Grove has a statutory entitlement to a grandfather certificate, Lake Wales' petition to intervene should be denied. However, if the Commission denies staff's recommendation on this basis, Lake Wales' petition to intervene should be denied for lack of standing.

Issue 5: Should this docket be closed?
Recommendation: No. This docket should remain open pending final disposition of the utility's application for a grandfather certificate.