

VOTE SHEET

SEPTEMBER 9, 1997

RE: DOCKET NO. 970365-GU - Complaint of Mother's Kitchen Ltd. against Florida Public Utilities Company regarding refusal or discontinuance of service.

Issue 1: Did FPUC administer the Mother's Kitchen account in compliance with all applicable statutes and Commission rules concerning establishment of service and customer deposits?

Recommendation: Yes. FPUC properly established service in the name of Alfred Byrd, d/b/a Mother's Kitchen, and managed the deposit for the Mother's Kitchen account in compliance with Commission rules concerning customer deposits. FPUC should not be required to provide a refund of all or any part of the deposit made on the Mother's Kitchen account. In addition, no member of the Mother's Kitchen Ltd. partnership made a deposit of \$500 at any time to establish a new account.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Susan Clark

J. Terry Dean

John K. ...

John Garcia

REMARKS/DISSENTING COMMENTS:

Commissioners Johnson and Garcia dissented.

DOCUMENT NUMBER-DATE

09075 SEP 10 6

FPSC-RECORDS/REPORTING

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Issue 2: Did FPUC administer the Mother's Kitchen account in compliance with Commission rules concerning refusal or discontinuance of service and other applicable Commission rules?

Recommendation: Yes. FPUC administered the Mother's Kitchen account in compliance with Commission rules concerning refusal or discontinuance of service and all other applicable Commission rules. FPUC should not be required to provide a refund of any amounts paid for service or fees on the Mother's Kitchen account.

APPROVED

Issue 3: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the Commission's proposed agency action files a protest within 21 days of the order, this docket should be closed.

APPROVED