

VOTE SHEET

JANUARY 21, 2003

RE: Docket No. 021005-EU - Petition for emergency variance from or waiver of individual metering requirement of Rule 25-6.049(5)(a), F.A.C., by Luxury Resorts International, Inc. d/b/a The Atlantic. (Deferred from December 2, 2002 conference; revised recommendation filed.)

ISSUE 1: Should the Commission grant Luxury Resorts International, Inc.'s request for waiver of the requirements of Rule 25-6.049(5)(a), Florida Administrative Code?

RECOMMENDATION: Yes. Staff recommends that the requested rule waiver be granted, provided that: (1) LRI allocates the cost of electricity to the individual condominium unit owners using a reasonable apportionment method, as required by Rule 25-6.049(6)(a), Florida Administrative Code; and (2) the waiver is effective only so long as the condominium is operated and licensed as a transient occupancy facility. At such time the condominium is no longer so operated and licensed, The Atlantic must immediately inform Florida Power & Light Company (FPL), at which time FPL will install individual meters on the occupancy units. In the event such a conversion to individual metering is required, The Atlantic will be solely responsible for the cost of such conversion.

MODIFIED

The recommendation was approved with the modification that LRI will provide a report 12 months after the first unit closes. The waiver will continue during review of the report and until the PSC acts otherwise, and so long as LRI continues to be operated and licensed as a transient occupancy facility.

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures of majority commissioners]

[Handwritten signature of dissenting commissioner]

REMARKS/DISSENTING COMMENTS:

Chairman Taber dissented from the majority decision. DOCUMENT NUMBER-DATE 00618 JAN 21 03

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order.

APPROVED