

VOTE SHEET

FEBRUARY 3, 2004

RE: Docket No. 030517-SU - Application for approval of new rate for bulk wastewater service agreement with City of Cape Coral in Lee County, by North Fort Myers Utility, Inc.

ISSUE 1: Should the Commission decline to rule upon NFMU's application for approval of a new rate for a bulk wastewater service agreement between NFMU and the City?

RECOMMENDATION: Yes. The sale of bulk wastewater service to a governmental authority is exempt from the Commission's jurisdiction pursuant to Section 367.022(12), Florida Statutes, thus the Commission should decline to rule upon NFMU's application.

APPROVED

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC _____
- OTH _____

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Charles M. Darr

John J. Jaber

Matthew S. ...

James ...

Shirley Brackley

REMARKS/DISSENTING COMMENTS:

Commissioner Jaber participated in the conference by telephone. She agreed with/dissented from the majority vote and will sign the vote sheet upon return to the office.

DOCUMENT NUMBER-DATE

01628 FEB-4 04

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: This docket should be closed after the time for filing an appeal has run.

APPROVED