

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JULY 6, 2004

RE: Docket No. 040086-EI - Petition to vacate Order No. PSC-01-1003-AS-EI approving, as modified and clarified, the settlement agreement between Allied Universal Corporation and Chemical Formulators, Inc. and Tampa Electric Company and request for additional relief, by Allied Universal Corporation and Chemical Formulators, Inc.

Issue 1: Should the Commission grant the request for oral argument?
Recommendation: Yes.

DEFERRED

Issue 2: Should the Commission dismiss Allied's Petition?
Recommendation: Yes. Allied's petition fails to state a cause of action upon which the Commission can grant relief. The Commission should dismiss the petition with prejudice.

DEFERRED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE
07333 JUL -6 8
FPSC-COMMISSION CLERK

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Issue 3: Should the Commission grant Odyssey's Motion for Attorney's Fees and Sanctions?

Recommendation: No. Odyssey's Motion for Attorney's Fees should be denied.

DEFERRED

Issue 4: Should this docket be closed?

Recommendation: If the Commission dismisses Allied's petition with prejudice, this docket should be closed. If the Commission dismisses Allied's petition with leave to amend, or denies the motions to dismiss, the docket should remain open.

DEFERRED