

VOTE SHEET

DATE: APRIL 1, 1997

RE: DOCKET NO. 960867-WU - Application for amendment of Certificate No. 427-W to add territory in Marion County by Windstream Utilities Company. (Deferred from the 3/18/97 Commission Conference.)

Issue 1: Recommendation that the Commission treat JB Ranch's December 24, 1996 letter as a withdrawal of protest. This would make Windstream's Motion to Dismiss moot. If the Commission does not interpret the December 24th letter as a withdrawal, the Commission should grant Windstream's Motion to Dismiss. With regard to the protests filed by the customers identified in staff's March 6, 1997 memorandum, no Commission action is necessary because the protests were not intended to be filed in this docket and have subsequently been removed.

APPROVED

COMMISSIONERS ASSIGNED: CL GR KS

COMMISSIONERS' SIGNATURES

MAJORITY

[Signature]

Susan J. Clark

DISSENTING

[Signature]

REMARKS/DISSENTING COMMENTS:

PSC/RAR33 (5/90)

*Commissioner Kieseling
 dissented on Issues
 2 and 2A.*

DOCUMENT NUMBER-DATE

03491 APR-45

FPSC-RECORDS/REPORTING

Issue 2: Recommendation that the Commission grant the County's Petition for Leave to Intervene; however, the County takes the case as it finds it, which does not include a hearing. If Issue No. 1 of this recommendation is approved, there is no valid objection pending, and the Commission should process the amended application without a hearing. The Commission should also deny the County's Alternate Petition in Opposition to Amended Application. With regard to Windstream's Motion to Strike the County's Reply to Windstream's Response, no Commission action is necessary because the motion is moot since the reply is an inappropriate pleading.

APPROVED

Commissioner Kiesling dissented.

Issue 3: Recommendation that, if Issues Nos. 1 and 2 are approved, this docket should remain open pending final disposition of this case.

APPROVED

Issue 2A: *on their own motion, the Commissioners set this matter for hearing.*

APPROVED

Commissioner Kiesling dissented.