

FLORIDA PUBLIC SERVICE COMMISSION

24A

VOTE SHEET

AUGUST 4, 1998

RE: DOCKET NO. 971663-WS - Petition of Florida Cities Water Company for limited proceeding to recover environmental litigation costs for North and South Ft. Myers Divisions in Lee County and Barefoot Bay Division in Brevard County.

Issue 1: Should FCWC's request for oral argument be granted?

Recommendation: No. FCWC's request for oral argument should be denied. However, because this matter has not yet been to hearing, the parties should be allowed to participate at the August 4, 1998, agenda conference, during which the motion to dismiss will be considered. Participation should be limited to five minutes for each party.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

[Handwritten signatures for Majority]

Susan Clark

J. Terry Dean

Joe Lucas

DISSENTING

[Handwritten signature for Dissenting]

J. Terry Dean

REMARKS/DISSENTING COMMENTS:

*Commissioners Johnson and Deason
dissented on Issue 2.*

DOCUMENT NUMBER-DATE

08276 AUG-5 88

FPSC-RECORDS/REPORTING

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Issue 2: Should OPC's motion to dismiss FCWC's petition for limited proceeding be granted?

Recommendation: No. OPC's motion to dismiss FCWC's petition for limited proceeding should be denied as untimely. Even if the motion had been filed on a timely basis pursuant to Rule 28-106.204(2), Florida Administrative Code, the grounds alleged do not support a motion to dismiss.

APPROVED

*Commissioners Johnson
and Deason dissented.*

Issue 3: Should this docket be closed?

Recommendation: No. This docket should remain open in order to proceed to hearing on the utility's petition and until such time as all issues identified by the prehearing order are resolved.

APPROVED