

VOTE SHEET

MARCH 16, 1999

RE: DOCKET NO. 981403-WS - Application for transfer of Certificate Nos. 469-W and 358-S in Bay County from Bayside Utilities, Inc. to Bayside Utility Services, Inc.

Issue 1: Should the Commission grant the Motion to Dismiss the Objection and Protest filed by Utilities, Inc. and Bayside Utility Services, Inc.? Recommendation: No. Because the customers have substantially complied with Rule 28-106.201, Florida Administrative Code, and have alleged facts sufficient to state a cause of action, the Commission should deny the motion to dismiss.

**APPROVED**

Issue 2: Should this docket be closed?

Recommendation: No. If staff's recommendation is approved in Issue 1, this docket should remain open pending final disposition of this case.

**APPROVED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

*[Handwritten signatures of majority commissioners]*  
Susan Clark  
J. Tompkins

DISSENTING

*[Handwritten signature of dissenting commissioner]*  
Jose Garcia

REMARKS/DISSENTING COMMENTS:

*Commissioner Garcia dissented.*

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING