

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

MAY 4, 1999

RE: DOCKET NO. 981923-EI - Complaint and petition of John Charles Heekin against Florida Power & Light Company.

Issue 1: Should FPL's Motion to Dismiss Complaint and Petition of John Charles Heekin be granted?

Recommendation: Yes. The Motion to Dismiss Complaint and Petition of John Charles Heekin should be granted as to Counts One through Eight and Ten because the petition requests relief that is beyond the jurisdiction of the Commission to grant; as to Count Nine, because there was admittedly no violation of Rule 25-6.021, Florida Administrative Code, and the count therefore fails to state a cause of action; and, as to Count Ten, because the complaint is for damages and, therefore, is outside the jurisdiction of the Commission and, for the same reason, the complaint fails to state a cause of action under Rule 25-6.094, Florida Administrative Code.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the majority column]

REMARKS/DISSENTING COMMENTS:

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MAY 4, 1999

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Issue 2: Should the Commission grant FPL's Motion for More Definite Statement in the Complaint and Petition of John Charles Heekin?

Recommendation: The Motion for a More Definite Statement is moot if the Commission approves staff's recommendation on Issue One. If the Commission denies staff's recommendation on Issue One, however, staff recommends that the Commission grant FPL's Motion for a More Definite Statement.

APPROVED

Issue 3: Should this docket be closed?

Recommendation: If the Commission approves staff's recommendation on Issue One, this docket should be closed when the time for filing an appeal has run. If the Commission denies staff's recommendation on Issue One, staff recommends that this docket should be set for hearing on the issue of whether or not FPL responded to Mr. Heekin's complaint in accordance with Rule 26-6.094, Florida Administrative Code.

APPROVED