

VOTE SHEET

JULY 6, 1999

RE: DOCKET NO. 981781-SU - Application for amendment of Certificate No. 247-S to extend service area by the transfer of Buccaneer Estates in Lee County to North Fort Myers Utility, Inc.

Issue 1: Should the Commission grant North Fort Myers Utility, Inc.'s Request for Oral Argument on its Motion for Reconsideration?

Recommendation: No. North Fort Myers Utility, Inc.'s Request for Oral Argument on its Motion for Reconsideration should be denied. This matter has not yet been to hearing. Therefore, interested persons may participate in the disposition of this item at the Commission Agenda Conference, and counsel for the utility will have the opportunity to address the Commission and answer any questions.

**NO VOTE**

COMMISSIONERS ASSIGNED: DS CL JC

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signature]*

*Susan D. Clark*

*J. Terry Dear*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

08086 JUL-6 99

FPSC-RECORDS/REPORTING

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(Continued from previous page)

Issue 2: Should North Fort Myers Utility, Inc.'s Motion for Reconsideration of Order No. PSC-99-0492-SC-SU be granted?

Recommendation: No. North Fort Myers Utility, Inc.'s Motion for Reconsideration of Order No. PSC-99-0492-SC-SU should be denied.

**APPROVED**

Issue 3: Should the Commission consider as supplemental authority Mihevic Corporation v. Horizon Village, Inc., 24 Fla. Law W. D 926, issued April 9, 1999, pursuant to NFMU's Notice of Additional Authority?

Recommendation: No. The Commission should not consider as supplemental authority Mihevic Corporation v. Horizon Village, Inc., 24 Fla. Law W. D 926, issued April 9, 1999, pursuant to NFMU's Notice of Additional Authority.

**APPROVED**

Issue 4: Should the docket remain open?

Recommendation: Yes. This docket should remain open pending completion of the hearing process and final disposition of the case.

**APPROVED**