

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

FEBRUARY 1, 2000

RE: DOCKET NO. 991680-EI - Complaint by The Colony Beach & Tennis Club, Inc. against Florida Power & Light Company regarding rates charged for service between January 1988 and July 1998, and request for refund. (Deferred from the 1/8/00 Commission Conference.)

Issue 1: Should the civil statute of limitations operate as an absolute bar to Colony's petition?

Recommendation: No. The civil statute of limitations does not bar Colony's petition, as asserted by Florida Power & Light Company. Colony's petition for refund does not arise from alleged meter error. It should, therefore, be addressed under Rule 25-6.106(2), Florida Administrative Code.

DEFERRED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

To the February 29, 2000 Commission Conference!

DOCUMENT NUMBER-DATE

01385 FEB-28

FPSC-RECORDS/REPORTING

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Issue 2: Should the complaint of Colony Beach & Tennis Club, Inc. against Florida Power & Light Company be set for hearing?

Recommendation: Yes. This docket involves disputed issues of material fact and law which staff believes can best be determined through a formal hearing before the Commission.

Issue 3: Should this docket be closed?

Recommendation: No. This docket should remain open until the Commission concludes a full evidentiary hearing on the matter.