

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

FEBRUARY 1, 2000

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 the requests made by Mr. Ludington and Messrs. Gill and Devine for oral argument on their respective Motions for Reconsideration?

Recommendation: No. The requests for oral argument on the respective motions for reconsideration should be denied.

DENIED

COMMISSIONERS ASSIGNED: DS CL JC

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Susan L Clark

J. Tompkins

[Signature]

REMARKS/DISSENTING COMMENTS:

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Issue 2: Should the Commission grant Mr. Ludington's Motion for Reconsideration?

Recommendation: Mr. Ludington's Motion for Reconsideration of Order No. PSC-99-2444-AS-SU should be granted in part and denied in part. The Motion should be granted in part, and Order No. PSC-99-2444-AS-SU should be amended to clarify that the Motion for Dismissal of Settlement Agreement filed by Mr. Ludington was denied by virtue of the fact that the Commission approved the NFMU/OPC Agreement. The Commission found by Order No. PSC-99-2444-AS-SU that the NFMU/OPC Agreement provided a fair and reasonable resolution of the matter and was persuaded by the fact that the utility and the representatives of the citizens jointly endorsed the proposed offer of settlement. Mr. Ludington's Motion for Reconsideration should otherwise be denied.

APPROVED

Issue 3: Should the Commission grant Mr. Gill and Mr. Devine's joint Motion to Reconsider and Rehear?

Recommendation: No. The Commission should deny Mr. Gill and Mr. Devine's joint Motion to Reconsider and Rehear.

APPROVED

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Issue 4: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issues 2 and 3, this docket should be closed.

APPROVED