

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

FEBRUARY 29, 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.

Issue 1: Should Florida Power & Light Company's Motion to Transfer Complaint Filed by Colony Beach & Tennis Club, Inc. to the Division of Administrative Hearings be granted?

Recommendation: No. Colony's petition involves the interpretation and application of Commission rules rather than merely a factual dispute.

DENIED

Case is to be referred to DOAH for hearing

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in majority column]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

02728 MAR-18

FPSC-RECORDS/REPORTING

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Issue 2: 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. Colony's petition for refund should, therefore, be addressed under Rule 25-6.106(2), Florida Administrative Code.

DENIED

Issue 3: Should this docket be closed?

Recommendation: No. If the Commission approves staff on Issues 1 and 2, this docket should remain open until the Commission concludes a full evidentiary hearing on the matter.

MODIFIED

*Case is to remain open for
DOAH hearing.*