

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JUNE 19, 2000

RE: DOCKET NO. 990696-WS - Application for original certificates to operate water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation.

DOCKET NO. 992040-WS - Application for certificates to operate a water and wastewater utility in Duval and St. Johns Counties by Intercoastal Utilities, Inc.

Issue 1: Does the Commission have jurisdiction under Section 367.171(7), Florida Statutes, to consider Nocatee Utility Corporation's and Intercoastal Utilities, Inc.'s applications for certificates?

Recommendation: Yes. The Commission has jurisdiction under Section 367.171(7), Florida Statutes, to consider both Nocatee Utility Corporation's and Intercoastal Utilities, Inc.'s applications for certificates.

**APPROVED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Walt J. Gabe* - dissent on Issue 2

*J. Terry Weaver*

*Joe J. Garcia*

*Susan J. Clark*

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

07518 JUN 21 8

FPSC-RECORDS/REPORTING

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Issue 2: Should the Commission grant the Petitions for Intervention filed by Sarasota and Hillsborough Counties and the joint Petition for Intervention filed by Collier and Citrus Counties, or in the alternative, should the Commission grant Collier and Citrus Counties' request to participate as amicus curiae?

Recommendation: The Commission should deny the Petitions for Intervention filed by Sarasota and Hillsborough Counties and the joint Petition for Intervention filed by Collier and Citrus Counties. Consequently, Sarasota and Hillsborough Counties' Motions to Dismiss and Collier and Citrus Counties' joint Motion to Dismiss should be denied, for lack of standing. Staff notes that Sarasota, Hillsborough, Collier and Citrus Counties will still have the opportunity to participate at the special agenda conference as interested persons since this matter has not yet been to hearing. At that time they can provide the Commission with their comments on the Commission's jurisdiction to consider Intercoastal's application under Section 367.171(7), Florida Statutes. Also, the Commission should deny Collier and Citrus Counties' alternative request to participate as amicus curiae for the purpose of filing a Motion to Dismiss Intercoastal Utilities' and Nocatee Utility's applications; however, the Commission can consider the points raised in Collier and Citrus Counties' joint Motion to Dismiss as an amicus curiae submission, if it so desires, and can give the points raised as much weight as the Commission deems appropriate.

**APPROVED**

*Commissioner Faber dissented*

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Issue 3: Should the Commission grant St. Johns County's Motion to Dismiss Intercoastal Utilities, Inc.'s application?

Recommendation: No. The Commission should deny St. Johns County's Motion to Dismiss Intercoastal Utilities, Inc.'s application.

**APPROVED**

Issue 4: If the Commission denies staff's recommendation in Issue 2 and instead grants Sarasota and Hillsborough Counties' Petitions for Intervention and Collier and Citrus Counties' joint Petition for Intervention, should Sarasota and Hillsborough Counties' Motions to Dismiss and Collier and Citrus Counties' joint Motion to Dismiss be granted?

Recommendation: No. Sarasota and Hillsborough Counties' Motions to Dismiss and Citrus and Collier Counties' joint Motion to Dismiss should be denied.

**NO VOTE**

Issue 5: Should these dockets be closed?

Recommendation: No. These dockets should remain open to allow these matters to proceed to hearing.

**APPROVED**