

VOTE SHEET

JANUARY 16, 2001

RE: DOCKET NO. 000277-WS - Application for transfer of facilities and Certificates Nos. 353-W and 309-S in Lee County from MHC Systems, Inc. d/b/a FFEC-Six to North Fort Myers Utility, Inc., holder of Certificate No. 247-S; amendment of Certificate No. 247-S; and cancellation of Certificate No. 309-S. (Deferred from the 1/2/01 Commission Conference; revised recommendation filed.)

Issue 1: Should the Commission grant NFMU's Request for Oral Argument?
Recommendation: Yes. Staff recommends that NFMU's request for oral argument should be granted. Oral argument should be limited to ten minutes for each party.

APPROVED

COMMISSIONERS ASSIGNED: JB BZ PL

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Linda Jaber (w/ dissent on issue 2)
[Signature]
Michael A. Pelech

REMARKS/DISSENTING COMMENTS:

Commissioner Jaber dissented on Issue 2.

COMMISSION NUMBER-DATE

00659 JAN 17 01

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Issue 2: Should NFMU's Motion for Summary Final Order and Motion to Strike Mr. Varga's untimely response be granted?

Recommendation: NFMU's Motion for Summary Final Order should be denied and NFMU's Motion to Strike should be granted. Moreover, OPC's Amicus Response to NFMU's Motion for Summary Final Order should be considered as a request to participate as an amicus curiae, which request should be granted for the purpose of considering the matters contained therein as an amicus curiae submission rather than as a responsive pleading.

MODIFIED

Approved with understanding that nature of OPC's filing was not addressed in this decision. Further, the docket will be set for hearing based on this decision. Commissioner Faber dissented.

Issue 3: If the Commission approves the application for transfer at a later date, what is the rate base of MHC at the time of transfer?

Recommendation: The rate base, which for transfer purposes reflects the net book value, is \$754,109 for the water and \$1,466,008 for wastewater system as of February 29, 2000.

APPROVED

Issue 4: If the Commission approves the application for transfer at a later date, should an acquisition adjustment be included in the calculation of rate base?

Recommendation: No. No acquisition adjustment was requested. Moreover, there are no extraordinary circumstances in this case to warrant the inclusion of an acquisition adjustment. Therefore, staff recommends that no acquisition adjustment should be included in the calculation of rate base for purposes of transfer.

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Issue 5: Should the rates and charges approved for this utility be continued?

Recommendation: Yes. NFMU should continue charging the rates and charges approved for this utility system until authorized to change in a subsequent proceeding.

APPROVED

Issue 6: Should the docket be closed?

Recommendation: No. This docket should remain open to process the utility's transfer application.

APPROVED