

VOTE SHEET

JULY 24, 2001

RE: DOCKET NO. 010887-WS - Application for approval of merger of Utilities, Inc. and Nuon Acquisition Sub, Inc., an Illinois corporation, and for determination of Commission's jurisdiction of such merger.

ISSUE 1: Is the proposed merger between Utilities, Inc. and Nuon Acquisition Sub, Inc. subject to the Commission's jurisdiction, requiring the Commission's approval?

RECOMMENDATION: Yes. The proposed merger is subject to the Commission's jurisdiction and Utilities, Inc. should have to proceed with an Application for Transfer of Majority Organizational Control pursuant to Section 367.071, Florida Statutes.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the majority column]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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ISSUE 2: Should Utilities, Inc.'s request for an emergency temporary variance or waiver from Rules 25-30.030(4)(c), 25-30.030(5), (6), and (7), and 25-30.037(3)(i), (j), and (k) Florida Administrative Code, be granted?
RECOMMENDATION: Yes. Utilities, Inc.'s request for an emergency temporary variance from Rules 25-30.030(4)(c), 25-30.030(5), (6), and (7), and 25-30.037(i), (j) and (k), Florida Administrative Code, should be granted.

APPROVED

ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. If the Commission accepts staff's recommendation on Issue 1, the docket should remain open to dispose of Utilities, Inc.'s Application for Approval of Merger. If the Commission accepts staff's recommendation on Issue 2, the order granting the emergency waiver or variance will be final and effective upon the issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action portion of the order.

APPROVED