

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

OCTOBER 2, 2001

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 Colony Beach's request for Oral Argument be granted?
RECOMMENDATION: No. Colony Beach has failed to state with particularity how oral argument would aid the Commission in comprehending and evaluating the issues before it.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Angelo A. Palech
[Signature]
[Signature]
[Signature]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

12472 OCT-26

FPSC-COMMISSION CLERK

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ISSUE 2: Should Colony's exceptions to the Recommended Order be approved?

RECOMMENDATION: No. Colony has failed to demonstrate that the factual findings in the Recommended Order are not based on competent substantial evidence. Colony's exceptions to the Conclusions of Law are predicated on factual findings contrary to those made by the Administrative Law Judge.

APPROVED

ISSUE 3: Should the Commission adopt the Administrative Law Judge's Recommended Order as its Final Order in this case?

RECOMMENDATION: Yes. The Recommended Order contains Findings of Fact that are supported by competent substantial evidence in the record and Conclusions of Law that accurately apply the applicable law to the facts of this case.

APPROVED

ISSUE 4: Should this docket be closed?

RECOMMENDATION: The docket should be closed after the time for filing an appeal has run.

APPROVED