

VOTE SHEET

NOVEMBER 19, 2002

RE: Docket No. 020896-WS - Petition by customers of Aloha Utilities, Inc. for deletion of portion of territory in Seven Springs area in Pasco County.

ISSUE 1: Should the Customers' Petition, along with Aloha's Motion to Dismiss, Request for Oral Argument, and the Responses filed thereto, be held in abeyance until the First DCA has rendered an opinion on Aloha's appeal of the Commission's Final Order?

RECOMMENDATION: Yes. The Customer Petition, along with Aloha's Motion to Dismiss, Request for Oral Argument, and the Responses filed thereto, should be held in abeyance until the First DCA renders an opinion on Aloha's appeal of the Commission's Final Order. If the Commission declines to abate the Customers' Petition and Aloha's Motion to Dismiss, a subsequent recommendation on the Motion to Dismiss will be filed at a later date.

APPROVED

Additionally, staff was directed to file a motion to expedite appeal at 1st DCA.

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in majority column]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER - DATE

12651 NOV 19 02

FPSC-COMMISSION CLERK

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open pending the outcome of the appeal of the Final Order before the First DCA.

APPROVED