

VOTE SHEET

SEPTEMBER 30, 2003

RE: Docket No. 030748-SU - Application for approval of new class of service for bulk wastewater service in Lee County by Forest Utilities, Inc.

ISSUE 1: Should the Commission deny Lee County's Motion to Dismiss?

RECOMMENDATION: Yes. The Commission should deny Lee County's Motion to Dismiss. Forest has adequately stated a cause of action for approval of a tariff for a new bulk wastewater class of service upon which the Commission may grant relief.

DEFERRED

This issue was deferred based on staff's oral revised recommendation at the conference.

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Paul M. Dard, [unclear], [unclear], [unclear], [unclear]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER DATE

09438 OCT-18

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(Continued from previous page)

ISSUE 2: Should Forest Utilities, Inc.'s request for a new class of service for bulk wastewater service be approved?

RECOMMENDATION: Yes. Forest's request for a new class of service for bulk wastewater service should be approved. The utility should be allowed to charge \$3.14 per 1,000 gallons as discussed in the analysis portion of staff's September 18, 2003 memorandum. The utility should file a new tariff sheet which is consistent with the Commission's vote within 30 days of issuance of the consummating order. Staff should approve the tariff sheet upon verification that the tariff is consistent with the Commission's decision. If the new tariff sheet is filed and approved, the new class of service for bulk wastewater service should become effective on or after the stamped approval date of the tariff sheet.

MODIFIED

Based on staff's oral revised recommendation at the conference, the tariff was suspended.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes. If Issues 1 and 2 are approved, the new tariff should become effective on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475, Florida Administrative Code. If a protest is filed within 21 days of the issuance date of the Order, the tariffs should remain in effect with common bulk wastewater charges held subject to refund pending resolution of the protest, and the docket should remain open. If no timely protest is filed, the docket should be closed upon the issuance of a Consummating Order.

MODIFIED

Based on staff's oral revised recommendation at the conference, the docket will remain open for return to a subsequent Commission conference.