

VOTE SHEET

OCTOBER 21, 2003

RE: Docket No. 030932-WS - Joint application for acknowledgment of sale of land and facilities of Florida Water Services Corporation in Lee County to Florida Governmental Utility Authority, and for cancellation of Certificate Nos. 306-W and 255-S.

ISSUE 1: Should the transfer of a portion of Florida Water Services Corporation's Lee County water and wastewater facilities to FGUA be approved?

RECOMMENDATION: Yes. The transfer of FWSC's Lehigh system located in Lee County to the FGUA should be approved, as a matter of right, pursuant to Section 367.071(4)(a), Florida Statutes. Certificate Nos. 306-W and 255-S should be amended to reflect the deleted territory described in Attachment A of staff's October 9, 2003 memorandum, effective upon the closing date of the sale. FWSC should provide the Commission with proof of transfer to the FGUA within 30 days of closing for purposes of establishing an effective closing date. Regulatory assessment fees should be submitted within 60 days from the closing date.

**APPROVED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures of majority commissioners]*

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REMARKS/DISSENTING COMMENTS:

*Commissioner's Bradley & Davidson dissented.*

DOCUMENT NUMBER-DATE

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ISSUE 2: Should the Commission open a docket to examine whether FWSC's sale of its Lehigh facilities in Lee County to FGUA involves a gain that should be shared with FWSC's remaining customers?

RECOMMENDATION: Yes. The Commission should open a docket to examine whether FWSC's sale of its Lehigh facilities involves a gain that should be shared with FWSC's remaining customers.

**APPROVED**

ISSUE 3: Should this docket be closed?

RECOMMENDATION: This docket should remain open until the conclusion of any pending dockets concerning the Lehigh facilities, and until Certificate Nos. 306-W and 255-S are amended to reflect the deleted territory described in Attachment A of staff's October 9, 2003 memorandum.

**APPROVED**

*On the Commission's own motion, all transfer applications to governmental authorities are to be brought to agenda.*