

VOTE SHEET

FEBRUARY 17, 2004

RE: Docket No. 040078-WS - Disposition of delinquent regulatory assessment fees and penalties for General Development Utilities, Inc., a company no longer subject to Florida Public Service Commission jurisdiction.

ISSUE 1: Should GDU be ordered to show cause, in writing, within 21 days, why it should not remit RAFs, statutory penalties, and interest in their respective amounts for violation of Sections 350.113 and 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code, for failure to timely pay regulatory assessment fees for January 1, 1996 through February 28, 1996?

RECOMMENDATION: No. Show cause proceedings should not be initiated under these circumstances. Staff further recommends that the Commission refer the utility's unpaid RAFs and associated penalties and interest to the Department of Financial Services for permission to write off the accounts as uncollectible, in the amounts identified in the analysis portion of staff's February 5, 2004 memorandum.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Charles M. Darr, John J. Jaber, Manuel... J. Terry... Rudy Bralley

Blank lines for dissenting signatures

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REMARKS/DISSENTING COMMENTS:

Commissioner Jaber participated in the conference by telephone. She agreed with/dissented from the majority vote and will sign the vote sheet upon return to the office.

DOCUMENT NUMBER-DATE

02301 FEB 18 04

FPSC-COMMISSION CLERK

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Docket No. 040078-WS - Disposition of delinquent regulatory assessment fees and penalties for General Development Utilities, Inc., a company no longer subject to Florida Public Service Commission jurisdiction.

(Continued from previous page)

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. Because no further action is necessary, this docket should be closed.

**APPROVED**