

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

SEPTEMBER 20, 2005

RE: Docket No. 050313-WU - Application for transfer of majority organizational control of NHC Utilities, Inc., holder of Certificate No. 573-W in Charlotte County, from EMB/NHC, L.L.C. to MHC-Encore Holdings, L.P.

Issue 1: Should the transfer of majority organizational control of NHC Utilities, Inc., holder of water Certificate No. 573-W, from EMB/NHC, L.L.C. to MHC-Encore Holdings, L.P. be approved?

Recommendation: Yes. The transfer is in the public interest and should be approved effective the date of the Commission's vote. The territory being transferred is described in Attachment A of staff's September 8, 2005 memorandum. NHC should continue to be responsible for filing the utility's 2005 annual report and paying 2005 regulatory assessment fees on or before March 31, 2006.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Jeff Bradley, Martin, Terry, and Lisa Edge.

Blank lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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**Issue 2:** Should the rates and charges approved for NHC be continued?

**Recommendation:** Yes. The buyer should continue charging the rates and charges approved for NHC until authorized to change by the Commission in subsequent proceedings. The ownership changes did not affect the tariff issuing officers, therefore, revised tariff pages are not required.

**APPROVED**

**Issue 3:** Should this docket be closed?

**Recommendation:** Yes. No timely protest to this transfer of majority organizational control was filed within the time prescribed by section 367.045(3), Florida Statutes, and therefore this docket should be closed upon issuance of the Commission's final order.

**APPROVED**