

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

DECEMBER 6, 2005

RE: **Docket No. 050601-EU** - Petition for variance or waiver from individual metering requirements of Rule 25-6.049(5)(a), F.A.C., by Fontainebleau Florida Tower 3, LLC d/b/a Fontainebleau III Ocean Club.

Issue 1: Should the Commission grant Fontainebleau's request for waiver of the requirements of Rule 25-6.049(5)(a), Florida Administrative Code?

Recommendation: Yes. Staff recommends that the requested rule waiver be granted, provided that: (1) Ocean Club allocates the cost of electricity to the individual condominium unit owners using a reasonable apportionment method, as required by Rule 25-6.049(6)(a), Florida Administrative Code; (2) the waiver is effective only so long as the condominium is operated and licensed as a transient occupancy facility; and (3) all or substantially all of the units are operated on a transient basis. At such time the condominium is no longer so operated and licensed, Ocean Club must immediately inform Florida Power & Light Company (FPL), at which time FPL will install individual meters on the occupancy units. In the event such a conversion to individual metering is required, Ocean Club will be solely responsible for the cost of such conversion.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

11460 DEC-6 05

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Issue 2: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order.

APPROVED