

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JANUARY 5, 2006

RE: **Docket No. 050323-SU** - Joint application for authority to transfer facilities of Coolidge-Ft. Myers Realty Limited Partnership d/b/a Heron's Glen Utilities and Certificate No. 456-S to North Fort Myers Utility, Inc., request for cancellation of Certificate No. 456-S, amendment of Certificate No. 247-S, and limited proceeding for authority to charge customers of Heron's Glen Utilities its authorized rates, fees and charges, in Lee County.

Issue 1: Should the transfer of Heron's Glen facilities to NFMU, the amendment of Certificate No. 247-S, and the cancellation of Certificate No. 456-S be approved?

Recommendation: Yes. The transfer of the Heron's Glen facilities to NFMU is in the public interest and should be approved. Certificate No. 247-S should be amended to include the Heron's Glen service area and Certificate No. 456-S should be cancelled effective the date of the Commission vote. Heron's Glen should be responsible for the regulatory assessment fees (RAFs) for January 1 to June 22, 2005, and NFMU should be responsible for the remainder of the 2005 RAFs and future RAFs, and the 2005 and future annual reports. The territory being transferred is described in Attachment A of staff's December 21, 2005 memorandum.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Katrina J. Lee

J. [Signature]

John Edg

J. Jerry [Signature]

[Signature]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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Issue 2: Should NFMU's request for limited proceeding to charge its current rates to the Heron's Glen customers be approved?

Recommendation: Yes. The NFMU's request to charge its current rates and charges to the customers of Heron's Glen should be approved. The current NFMU rates are shown in Attachment B of staff's memorandum. The utility should file a proposed customer notice to reflect the Commission-approved rates. The approved rates should be effective for service rendered on or after the stamped approval date of the revised tariff sheets pursuant to Rule 25-30.475(1), Florida Administrative Code. In addition, the rates should not be implemented until staff has approved the proposed customer notice. The utility should distribute the notice to the customers no later than with the first bill containing the revised rates and should provide proof of the date the notice was given no less than 10 days after the date of the notice.

APPROVED

Issue 3: Should this docket be closed?

Recommendation: Yes. If no timely protest to the proposed agency action order is filed by a substantially affected person within 21 days, a Consummating Order should be issued and the docket should be closed. In the event there is a timely protest, this docket should remain open pending resolution of the protest.

APPROVED