

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JANUARY 24, 2006

RE: **Docket No. 050499-WS** - Application for authority to transfer majority organizational control of Utilities, Inc. from Nuon Global Solutions USA, B.V. to Hydro Star, LLC.

Issue 1: Should the Commission grant Utilities, Inc.'s Request for Oral Argument?

Recommendation: No. Oral argument is not necessary for the Commission to decide on the merits of these motions, and Mr. Duggar has not filed any responses to the motions.

APPROVED

Issue 2: Should the Commission grant Utilities, Inc.'s Motion to Dismiss?

Recommendation: Yes. The Commission should grant Utilities, Inc.'s Motion to Dismiss. The objection fails to adequately allege standing to proceed in this matter. The issues raised are properly addressed by customer complaint or other rate or regulatory proceeding with the regulated operational utility.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Katrina Iglew

J. [Signature]

[Signature]

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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Issue 3: Should the transfer of majority organizational control of Utilities, Inc. from Nuon Global Solutions USA, B.V. to Hydro Star, LLC. be approved?

Recommendation: Yes. If the Commission approves staff's recommendation in issue 2, the transfer of majority organizational control of Utilities, Inc. from Nuon Global Solutions USA, B.V. to Hydro Star, LLC. is in the public interest and should be approved effective the date of the Commission's vote. Pursuant to Rule 25-9.044(1), Florida Administrative Code, the rates and charges approved for Utilities, Inc.'s Florida utility subsidiaries should be continued until authorized to change by the Commission in a subsequent proceeding.

APPROVED

Issue 4: Should this docket be closed?

Recommendation: If the Commission grants Utilities, Inc.'s motion to dismiss and approves the transfer of majority organizational control, this docket should be closed upon issuance of the Commission's final order. If the Commission denies the motion to dismiss the Commission should defer decision on the transfer of control and the docket should remain open to address the objection.

APPROVED