

VOTE SHEET

April 24, 2007

**Docket No. 060698-SU** – Joint application for authority to transfer facilities of Del Tura Phase I, LLC d/b/a Del Tura Utilities and Certificate No. 298-S to North Fort Myers Utility, Inc., request for cancellation of Certificate No. 298-S, amendment of Certificate No. 247-S, and limited proceeding for authority to charge customers of Del Tura Utilities its authorized rates, fees and charges, in Lee County.

**Issue 1:** Should the transfer of the Del Tura facilities to NFMU, the amendment of Certificate No. 247-S, and the cancellation of Certificate No. 298-S be approved?

**Recommendation:** Yes. The transfer of the Del Tura facilities to NFMU is in the public interest and should be approved. Certificate No. 247-S should be amended to include the Del Tura service area and Certificate No. 298-S should be cancelled effective the date of the Commission vote. The resultant order should serve as the utility’s wastewater certificate and should be retained by the utility. The territory being transferred is described in Attachment A of staff’s April 12, 2007, memorandum.

**APPROVED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

*Katrina J. McMurrain*  
*[Signature]*  
*[Signature]*  
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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• Vote Sheet

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**Issue 2:** Should NFMU's request for a limited proceeding to charge its current rates to the Del Tura customers be approved?

**Recommendation:** Yes. NFMU's request to charge its current rates and charges to the customers of Del Tura should be approved. The current NFMU rates are shown in Attachment B of staff's April 12, 2007, 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 ten 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**