

VOTE SHEET

September 28, 2010

Docket No. 100315-GU – Complaint by Miami-Dade County for order requiring Florida City Gas to show cause why tariff rate should not be reduced and for the Commission to conduct a rate proceeding, overearnings proceeding, or other appropriate proceeding regarding Florida City Gas' Acquisition adjustment.

Issue 1: Should the Commission grant Florida City Gas's (FCG) Request for Oral Argument?

Recommendation: Yes. The Commission should grant FCG's Request for Oral Argument. Staff recommends allowing each side 10 minutes to address this matter.

APPROVED

Issue 2: Should the Commission grant Florida City Gas's (FCG) Motion to Dismiss Miami-Dade County's (Miami-Dade or the County) Complaint without prejudice?

Recommendation: Yes. Staff recommends that the Commission grant FCG's Motion to Dismiss, without prejudice. The County's Complaint fails to state a cause of action upon which the Commission can grant relief.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signature]

[Handwritten signature: Lisa Edg]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER DATE

08116 SEP 28 0

Vote Sheet

September 28, 2010

Docket No. 100315-GU – Complaint by Miami-Dade County for order requiring Florida City Gas to show cause why tariff rate should not be reduced and for the Commission to conduct a rate proceeding, overearnings proceeding, or other appropriate proceeding regarding Florida City Gas' Acquisition adjustment.

(Continued from previous page)

Issue 3: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation, the docket should be closed after time for an appeal has run. If the Commission denies staff's recommendation, the docket should remain open.

APPROVED