

VOTE SHEET

January 24, 2012

Docket No. 100459-EI – Petition for authority to implement a demonstration project consisting of proposed time-of-use and interruptible rate schedules and corresponding fuel rates in the Northwest Division on an experimental basis and request for expedited treatment, by Florida Public Utilities Company.

Issue 1: Should the Commission grant the City of Marianna and FPUC’s requests for oral argument?

Recommendation: Yes. The Commission should grant the requests for oral argument. Oral argument should be limited to 5 minutes per side.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

STAMPED AREA

DOCUMENT NUMBER-DATE

00454 JAN 24 2012

FPSC-COMMISSION CLERK

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Issue 2: Should FPUC’s Motion to Dismiss the City of Marianna’s petition for formal hearing be granted?

Recommendation: Yes. FPUC’s Motion to Dismiss should be granted, with prejudice. The City has not pled facts sufficient to demonstrate that it has suffered an injury in fact or that the nature of these proceedings is designed to protect any injury the City has alleged. Moreover, the amended petition does not comply with Rule 28-106.201, F.A.C., because it does not contain “an explanation of how the petitioner’s substantial interests will be affected by the agency determination,” nor does it contain “a concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant a reversal or modification of the agency’s proposed action.” Proposed Agency Action Order, Order No. PSC-11-0112-TRF-EI should be deemed final and effective.

APPROVED

Issue 3: Should the docket be closed?

Recommendation: Yes. If the Commission agrees with staff regarding Issue 2, then the City of Marianna’s Amended Petition Protesting Proposed Agency Action Order No. PSC-11-0112-TRF-EI should be dismissed with prejudice. Order No. PSC-11-0112-TRF-EI should become final and effective.

APPROVED