

VOTE SHEET

May 14, 2013

**Docket No. 120054-EM** – Complaint of Robert D. Reynolds and Julianne C. Reynolds against Utility Board of the City of Key West, Florida d/b/a Keys Energy Services regarding extending commercial electrical transmission lines to each property owner of No Name Key, Florida.

Issue A has been added to the original Recommendation filed May 2, 2013:

**Issue A:** Should the Commission grant Ms. Roemmele Putney’s Motion for Stay of Proceedings?

**Recommendation:** No. The Commission should deny the motion. The motion does not meet the established criteria for a stay pending judicial review set out in Rule 25-22.061, F.A.C.

**APPROVED**

**Issue 1:** Should the Commission entertain oral argument on Monroe County’s Motion to Dismiss?

**Recommendation:** No. Oral Argument was not requested pursuant to Rule 25-22.0022, Florida Administrative Code (F.A.C.). The Commission does have the discretion, however, to allow oral argument if it so chooses.

**APPROVED**

RECEIVED-FPSC  
13 MAY 14 PM 3:45  
COMMISSION  
CLERK

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

*[Handwritten signatures in blue ink]*

DISSENTING

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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**Issue 2:** Should the Commission deny the County's Motion to Dismiss the Reynolds' Amended Complaint?

**Recommendation:** Yes. The Commission should deny the County's Motion to Dismiss the Amended Complaint. The complaint states a cause of action upon which relief can be granted.

**APPROVED**

**Issue 3:** Does the Commission have jurisdiction to resolve the Reynolds' complaint?

**Recommendation:** Yes. The Commission has jurisdiction to resolve the Reynolds' complaint, and that jurisdiction is exclusive and preemptive.

**APPROVED**

**Issue 4:** Are the Reynolds and No Name Key property owners entitled to receive electric power from Keys Energy under the terms of the Commission's Order No. 25127 approving the 1991 territorial agreement between Keys Energy and the Florida Keys Electric Cooperative?

**Recommendation:** Yes. The Reynolds and No Name Key Property Owners are entitled to receive electric power from Keys Energy under the terms of the Commission's Order No. 25127.

**APPROVED**

**Issue 5:** How should the Commission dispose of the Reynolds' complaint?

**Recommendation:** The Commission should grant the ultimate relief the Reynolds have requested and order that the customers located on No Name Key in Keys Energy's service territory are entitled to receive electric service from Keys Energy. The Commission should find that its determination of the issues in the Reynolds complaint is exclusive and preemptive.

**APPROVED**

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**Issue 6:** Should this docket be closed?

**Recommendation:** If the Commission denies staff's recommendation in Issue 2, this docket should be closed. If the Commission grants staff's recommendation in Issue 2, and if no person whose substantial interests are affected by the proposed agency action files a protest of Issues 3-5 within 21 days of the issuance of the Order, this docket should be closed.

**APPROVED**