

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

March 13, 2014

FILED MAR 13, 2014  
DOCUMENT NO. 01136-14  
FPSC - COMMISSION CLERK

**Docket No. 130188-EM** – Complaint regarding electric rate structure for Gainesville Regional Utilities.

**Issue 1:** Should the Commission grant Complainants' Request for Oral Argument on GRU's Motion to Dismiss?

**Recommendation:** Yes. The request for oral argument should be granted in order to assist the Commission to understand the parties' arguments and positions on the motion to dismiss. If the Commission grants oral argument, staff recommends granting each side five (5) minutes.

**APPROVED**

**COMMISSIONERS ASSIGNED:** All Commissioners

**COMMISSIONERS' SIGNATURES**

**MAJORITY**

**DISSENTING**

  


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**REMARKS/DISSENTING COMMENTS:**

Vote Sheet

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**Issue 2:** Should the Commission grant GRU's Motion to Dismiss?

**Recommendation:** Yes. The Commission should grant GRU's Motion to Dismiss and dismiss, with prejudice, the portions of the Complaint regarding GRU's rates and the wholesale contract. The portion of the Complaint challenging the rate structure in effect at the time the Complaint was filed should be dismissed without prejudice as moot. Complainants should be given leave to file an amended Complaint based on GRU's current rate structure within 15 days of the Commission's decision. The amended Complaint should state with specificity those sections of the rate structure Complainants challenge, the reasons therefor, and the specific relief requested.

**APPROVED**

**Issue 3:** Should the Commission grant a hearing in this matter?

**Recommendation:** Complainants are not entitled to a hearing as there is no proposed agency action upon which a hearing can be granted under Section 120.569, F.S.

**APPROVED**

**Issue 4:** Should this docket be closed?

**Recommendation:** If the Motion to Dismiss is denied, the docket should remain open to address the Complaint. If granted, the docket should remain open to allow Complainants to file an amended Complaint within the 15 day deadline. If no amended Complaint is filed within the deadline, the docket should be closed administratively.

**APPROVED**