

VOTE SHEET

DATE: March 5, 1996

RE: DOCKET NO. 920199-WS - Application for rate increase in Brevard, Charlotte/Lee, Citrus, Clay, Duval, Highlands, Lake, Marion, Martin, Nassau, Orange, Osceola, Pasco, Putnam, Seminole, Volusia, and Washington Counties by Southern States Utilities, Inc.; Collier County by Marco Shores Utilities (Deltona); Hernando County by Spring Hill Utilities (Deltona); and Volusia County by Deltona Lakes Utilities (Deltona).

Issue 1: What impact, if any, does the Supreme Court's February 29, 1996 opinion in the GTE case have on the Commission's decision regarding the remand in this docket?

Recommendation: The Commission should issue an order which bifurcates its February 20, 1996 decision regarding reconsideration matters as set forth in staff's memorandum dated March 4, 1996. The Commission should delay consideration of whether, on its own motion, to require backbilling until briefs are filed by the parties regarding their view of whether the GTE decision is applicable to the Commission's remand decision. All parties listed in staff's memorandum should be given an opportunity to file briefs limited to this point as set forth in staff's memorandum within 10 days of the Court's opinion becoming final.

DENIED

The Commissioners, on their own motion, voted to reconsider their decision on the motion for reconsideration and to allow reconsideration. Within 10 days after the Supreme Court order becomes final, parties should brief the Commission on what action Commission should take on reconsideration and on remand, taking into account Court's decision on remand.

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of commissioners under the MAJORITY and DISSENTING columns.

REMARKS/DISSENTING COMMENTS: