

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 17, 1998

RE: DOCKET NO. 980767-WS - Joint application for transfer of facilities of Gulf Utility Company to Gulf Environmental Services, Inc. in Lee County and cancellation of Certificates Nos. 072-W and 064-S.

Issue 1: Should the transfer of Gulf Utility Company to Gulf Environmental Services, Inc., be treated as a transfer to a governmental authority, pursuant to Section 367.071(4), Florida Statutes?

Recommendation: Yes. The transfer of Gulf Utility Company to Gulf Environmental Services, Inc., should be treated as a transfer to a governmental authority, pursuant to Section 367.071(4), Florida Statutes. If the Commission rejects this recommendation, Gulf should be ordered to file an application for transfer pursuant to Section 367.071(1), Florida Statutes, and Rule 25-30.037(2), Florida Administrative Code, and notice in accordance with Rule 25-30.030, Florida Administrative Code, by or within thirty days of the issuance of the order.

**APPROVED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in the Majority column]*

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DOCUMENT NUMBER - DATE

12960 NOV 18 98

FPSC-RECORDS/REPORTING

REMARKS/DISSENTING COMMENTS:

Commissioner Garcia participated in the Agenda Conference via video teleconference and ~~dissented~~ in the vote. He will sign the vote sheet upon his return to Tallahassee.

agreed

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Issue 2: Should the Commission order Gulf Utility Company to show cause, in writing within 21 days, why it should not be fined for violation of Section 367.071, Florida Statutes?

Recommendation: No. A show cause proceeding should not be initiated.

**APPROVED**

Issue 3: If Issue 1 is approved, should the Commission acknowledge the transfer of the facilities of Gulf Utility Company to Gulf Environmental Services, Inc., and the cancellation of Certificates Nos. 072-W and 064-S?

Recommendation: Yes. The Commission should acknowledge the transfer of utility facilities from Gulf Utility Company to Gulf Environmental Services, Inc. Certificates Nos. 072-W and 064-S should remain in effect until all issues relating to Dockets Nos. 980057-WU and 980943-WS are resolved and the dockets are closed.

**APPROVED**

Issue 4: Should this docket be closed?

Recommendation: No.

**APPROVED**