

VOTE SHEET

MAY 16, 2000

RE: DOCKET NO. 990696-WS - Application for original certificates to operate water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation.

DOCKET NO. 992040-WS - Application for certificates to operate a water and wastewater utility in Duval and St. Johns Counties by Intercoastal Utilities, Inc. (Deferred from the 2/29/00 Commission Conference.)

Issue 1: Should the Commission grant St. Johns County's Request for Oral Argument?

Recommendation: No. The Commission should deny St. Johns County's Request for Oral Argument because it is not in compliance with Rule 25-22.058, Florida Administrative Code. However, the County should be permitted to address the Commission during the course of discussion on this item at the agenda conference since the matter has not yet been to Hearing.

NO VOTE

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

Deferred to allow for Oral Argument.

DOCUMENT NUMBER-DATE

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Issue 2: Should DDI, Inc. and Nocatee Utility Corporation's Joint Motion to Dismiss or, in the Alternative, to Preclude Re-Litigation of Issues be granted?

Recommendation: No. Staff recommends that DDI and NUC's Joint Motion to Dismiss be denied. In addition, staff recommends that DDI and NUC's alternative request that the Commission issue an Order precluding the re-litigation of issues be denied.

DEFERRED

Issue 3: Should the Commission grant St. Johns County's Motion to Dismiss Intercoastal Utilities, Inc.'s application?

Recommendation: No. The Commission should deny St. Johns County's Motion to Dismiss Intercoastal Utilities, Inc.'s application.

Issue 4: Should these dockets be closed?

Recommendation: No. If the Commission approves staff's recommendations on Issues 2 and 3, these dockets should remain open to allow these matters to proceed to hearing.