

VOTE SHEET

May 24, 2011

Docket No. 090539-GU – Petition for approval of Special Gas Transportation Service agreement with Florida City Gas by Miami-Dade County through Miami-Dade Water and Sewer Department.

Issue 1: Should the Commission grant Miami-Dade Water Sewer Department’s (MDWASD) Request for Oral Argument?

Recommendation: No. The Commission should not grant MDWASD’s Request for Oral Argument. The Commissioners would not benefit from oral argument because the pleadings are clear on their face.

APPROVED

Issue 2: Should the Commission grant MDWASD’s Motion for Summary Final Order?

Recommendation: No. The Commission should deny MDWASD’s Motion and decline to enter a summary final order approving the 2008 Agreement because MDWASD has failed to show that there is no genuine issue of material fact or that it is entitled to judgment as a matter of law. The Commission should also decline to impose sanctions on FCG or award attorney’s fees and costs to MDWASD because there is no legal or factual basis for doing so.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of three commissioners in the majority column.

Four horizontal lines in the dissenting column, all of which are blank.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

03615 MAY 24 =

FPSC-COMMISSION CLERK

Vote Sheet

May 24, 2011

Docket No. 090539-GU – Petition for approval of Special Gas Transportation Service agreement with Florida City Gas by Miami-Dade County through Miami-Dade Water and Sewer Department.

(Continued from previous page)

Issue 3: Should this docket be closed?

Recommendation: No. If the Commission approves staff's recommendation in Issue 2, the docket should remain open and proceed to hearing as scheduled.

APPROVED