

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

SEPTEMBER 23, 1997

RE: DOCKET NO. 970022-EU - Petition by Florida Power & Light Company for enforcement of Order 4285, which approved a territorial agreement and established boundaries between the Company and the City of Homestead.

Issue 1: Pursuant to Order No. 4285, in Docket No. 9056-EU, issued December 1, 1967, should the Commission require the City of Homestead to transfer electric service for Silver Eagle Distributors, Ltd. and Contender Boats to Florida Power & Light Company?

Recommendation: Yes. The service territory exception contained in paragraph 8 of the Agreement pertains only to city proprietary functions occurring on the site of the Homestead Housing Authority Labor Camp and not to private, for-profit businesses. Therefore, electric service for Silver Eagle Distributors, Ltd. and Contender Boats should be transferred from the City of Homestead to Florida Power & Light Company. In addition, the parties should negotiate in good faith to develop a plan for this transfer and the plan should be brought back to the Commission for approval.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in majority column]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

09750 SEP 24 6

FPSC-RECORDS/REPORTING

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Issue 2: Should Florida Power & Light be awarded attorney's fees in this proceeding?

Recommendation: No. Pursuant to Section 120.69(7), Florida Statutes, attorney's fees may only be awarded, if at all, in a final order. Because the action taken herein is preliminary in nature, attorney's fees are not available until the action becomes final.

MODIFIED

Approved with understanding that ruling on attorney's fees will be reserved until final order stage.

Issue 3: Should this docket be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the Commission's proposed agency action timely files a protest within twenty-one days of issuance of the order, this docket should be closed.

APPROVED