

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

OCTOBER 6, 1998

RE: DOCKET NO. 971220-WS - Application for transfer of Certificates Nos. 592-W and 509-S from Cypress Lakes Associates, Ltd. to Cypress Lakes Utilities, Inc. in Polk County.

Issue 1: Should the Commission grant Cypress Lakes Utilities, Inc.'s Motion to Dismiss or Strike OPC's Petition for Section 120.57(1) Hearing and Protest of Proposed Agency Action?

Recommendation: No. Because OPC has substantially complied with Rule 28-106.210, Florida Administrative Code, and has alleged facts sufficient to state a cause of action, the Commission should deny Cypress Lakes Utilities, Inc.'s motion to dismiss.

DEFERRED

COMMISSIONERS ASSIGNED: JN DS CL

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

Deferred To 11-3-98

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Issue 2: Should this docket be closed?

Recommendation: No. If staff's recommendation is approved in Issue 1, this docket should remain open pending final disposition of this case.