

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

SEPTEMBER 7, 1999

RE: DOCKET NO. 981781-SU - Application for amendment of Certificate No. 247-S to extend service area by the transfer of Buccaneer Estates in Lee County to North Fort Myers Utility, Inc.

Issue 1: Should the Settlement Agreement filed with the Commission on August 31, 1999, be approved?

Recommendation: Yes. The Settlement Agreement filed with the Commission on August 31, 1999 should be approved, as modified by striking Paragraph 2 of the stipulation, and by changing the date that North Fort Myers Utility, Inc. may begin charging the Buccaneer customers, as contained in Paragraph 5 of the stipulation. Should the Commission approve the stipulation, the Order should be issued as proposed agency action (PAA), since three parties oppose it. If the PAA Order is protested, the prehearing and hearing for the protest of the settlement agreement should be continued, since the prehearing and hearing are currently scheduled to be held prior to the time

COMMISSIONERS ASSIGNED: DS CL JC

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Susan L. Clark*  
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*J. Terry Deas*  
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*[Signature]*  
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REMARKS/DISSENTING COMMENTS:

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in which the PAA protest period would run. North Fort Myers Utility, Inc., should be allowed to collect monthly wastewater service rates from all customers of Buccaneer Estates, subject to refund with interest upon staff's approval of the security for the potential refund and a copy of the proposed customer notice, pending the final disposition of this case.

*This matter will be considered at the hearing scheduled for September 14-15, 1999 in North Fort Myers, with the possibility that a decision will be made from the bench.*

Issue 2: If the Commission does not approve staff's recommendation in Issue 1, what is the appropriate procedure to be followed in this case?

Recommendation: If the Commission does not approve staff's recommendation in Issue 1, the appropriate procedure is to continue the prehearing and hearing to a date after which the period for reconsideration and appeal of any Order denying the Settlement Agreement has expired. However, if the parties are willing to represent at the September 7, 1999, Agenda Conference that they will not pursue reconsideration or appeal of any Order denying the Settlement Offer, then the appropriate procedure would be to continue the prehearing on Wednesday, September 8, 1999, as currently scheduled, in order to determine the issues of the hearing, and proceed to the September 14-15, 1999 hearing.

*See decision in Issue 1.*

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Issue 3: Should this docket be closed?

Recommendation: No. This docket should remain open for final disposition of the case.

**APPROVED**