

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

FEBRUARY 16, 1999

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

Issue 1: Should the Commission order North Fort Myers Utility, Inc., (NFMU) to show cause in writing within 21 days, why it should not be fined \$5,000 for apparent violation of Section 367.045(2), Florida Statutes?

Recommendation: Yes, NFMU should be required to show cause in writing within 21 days, why it should not be fined \$5,000 for apparent violation of Section 367.045(2), Florida Statutes. The order to show cause should incorporate the conditions stated in the analysis portion of staff's February 16, 1999 memorandum.

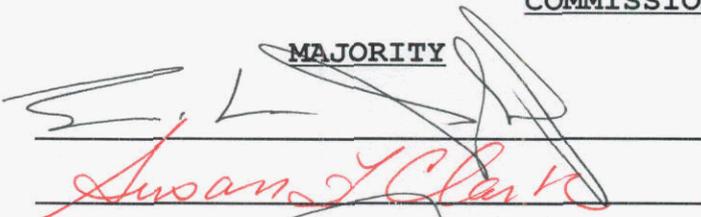
APPROVED

COMMISSIONERS ASSIGNED: DS CL JC

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING





REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

02081 FEB 16 8

NOTE SHEET

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Issue 2: Should the Emergency Motion to Implement Rates and Charges filed by NFMU be granted?

Recommendation: The Emergency Motion to Implement Rates and Charges by NFMU should be granted in part and denied in part. NFMU should be allowed to collect monthly wastewater service rates for all customers of Buccaneer Estates, subject to refund with interest after the establishment of an escrow account, as set forth in the staff analysis. The collection of connection charges by North Fort Myers Utility should be denied at this time and be considered fully at the hearing.

DENIED

The company's emergency motion to collect monthly wastewater service rates was denied as well as collection of connection charges.

Issue 3: Should the docket be closed?

Recommendation: No. The customers of Buccaneer Estates have protested and requested a hearing. This matter is set for hearing on September 14-15, 1999. Therefore, this docket should not be closed.

APPROVED