

FLORIDA PUBLIC SERVICE COMMISSION

Item 9

VOTE SHEET

October 12, 2021

FILED 10/12/2021
DOCUMENT NO. 12083-2021
FPSC - COMMISSION CLERK

Docket No. 20200226-SU – Application for certificate to provide wastewater service in Charlotte County, by Environmental Utilities, LLC.

Issue 1: Should the Utility’s request for oral argument be granted?

Recommendation: No, staff recommends that the pleadings are sufficient on their face for the Commission to render a decision on the Motion for Partial Summary Final Order (Issue 2) and Motion to Dismiss (Issue 3). However, if oral argument would aid the Commission in evaluating the issues to be decided, the parties should be allowed five (5) minutes each for oral argument for the respective pending motions.

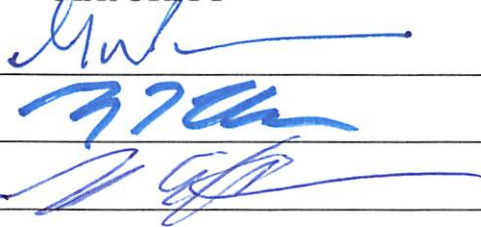
APPROVED

COMMISSIONERS ASSIGNED: Clark, Passidomo, La Rosa

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING



REMARKS/DISSENTING COMMENTS:

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Issue 2: Should EU's Motion for Partial Summary Final Order be granted?

Recommendation: No. Based on staff's review of EU's Motion, it appears that the Motion does not establish an absence of any genuine issue of material fact as to the need for service. Therefore, EU's Motion for Partial Summary Final Order should be denied.

APPROVED

Issue 3: Should Mr. Hurst's Motion to Dismiss be granted?

Recommendation: No. Based on staff's review of Mr. Hurst's Motion to Dismiss, it appears that the Motion to Dismiss does not address whether EU's application states a cause of action upon which relief may be granted. There is also already an administrative hearing scheduled in this docket. Therefore, Mr. Hurst's Motion to Dismiss should be denied.

APPROVED

Issue 4: Should this docket be closed?

Recommendation: No. The docket should remain open pending the Commission's action on the Utility's application for an original wastewater certificate.

APPROVED