

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 3, 1998

RE: DOCKET NO. 970657-WS - Application for certificates to operate a water and wastewater utility in Charlotte and DeSoto Counties by Lake Suzy Utilities, Inc.
DOCKET NO. 980261-WS - Application for amendment of Certificates Nos. 570-W and 496-S to add territory in Charlotte County by Florida Water Services Corporation.

Issue 1: Should the Commission reconsider its October 6, 1998 decision regarding Lake Suzy Utilities, Inc.'s Motion for Partial Summary Disposition?

Recommendation: Yes. Because the rationale of the Commission's October 6, 1998 denial of Lake Suzy's motion is in error, the Commission should reconsider its decision. However, while FWSC's ability to serve appears questionable, the proper information and documentation is not before the Commission for its consideration at this time. Therefore, staff recommends that either the Commission defer ruling on Lake Suzy's motion pending receipt of the parties' responses to staff's discovery requests and the filing of authenticated copies of the disputed contracts, or that the Commission deny Lake Suzy's motion for summary judgment recognizing that

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures for Majority]

Susan Clarke

J. Terry Deans

Joe Marcus

[Handwritten signature for Dissenting]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NO. 12334 DATE NOV-4 88

VOTE SHEET

NOVEMBER 3, 1998

DOCKET NO. 970657-WS - Application for certificates to operate a water and wastewater utility in Charlotte and DeSoto Counties by Lake Suzy Utilities, Inc.

(Continued from previous page)

Lake Suzy would be free to renew its motion when the appropriate documentation and information are before the Commission. If the Commission defers ruling on the motion, it should also defer a decision on the award of costs or attorney's fees. If the Commission denies Lake Suzy's motion, there is no basis for an award of costs or attorney's fees at this time.

APPROVED *The Commission's vote was reconsidered and Lake Suzy's motion denied.*

Issue 2: Should these dockets be closed?

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

APPROVED