

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 3, 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. (Deferred from October 6, 1998 Commission Conference)

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.

APPROVED

COMMISSIONERS ASSIGNED: JN DS CL

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

A Susan J Clark

[Signature]

[Signature]

REMARKS/DISSENTING COMMENTS:

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(Continued from previous page)

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.

APPROVED