

VOTE SHEET

DATE: November 26, 1996

RE: DOCKET NO. 921098-WS - Application for certificates to provide water and wastewater service in Alachua County under grandfather rights by Turkey Creek, Inc. & Family Diner, Inc. d/b/a Turkey Creek Utilities.

Issue 1: Recommendation that the Commission accept the offer of settlement whereby Turkey Creek Utilities agrees that, if the Commission suspends all fines or penalties, it will withdraw its appeal of Order No. PSC-96-0350-FOF-WS and pay the full amount of the calculated refund (\$24,576.46), without interest, to the City of Alachua within 30 days of the Commission's order accepting such settlement offer. If Turkey Creek Utilities protests this proposed agency action or fails to make such payment to the City of Alachua within the 30 days, then the provisions of Orders Nos. PSC-93-1769-FOF-WS (requiring refunds with interest) and PSC-96-0350-FOF-WS (imposing \$5,000 fine) should be immediately reinstated.

DENIED

Order is to be issued with "final" order language.

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in majority column]

REMARKS/DISSENTING COMMENTS:

Issue 2: Recommendation that the appropriate refund is \$24,576.46. The refund associated with the accrued interest on customer deposits, miscellaneous service charges and late payment charge should be paid only to those customers who paid these charges. In accordance with the settlement offer, Turkey Creek should pay this amount to the City of Alachua within 30 days of the Commission's order. Turkey Creek should also be required to provide the City of Alachua with the billing records associated with the refund upon payment of the refund. Once Turkey Creek has paid the City and provided the City its billing records, Turkey Creek should be required to inform the Commission within fifteen days. In the event these refunds are unclaimed, all unclaimed amounts should be retained by the City of Alachua.

DENIED

Issue 3: Recommendation that, upon expiration of the protest period, if a timely protest is not received from a substantially affected person, and upon verification that Turkey Creek has paid the City and given the City the billing records, the docket should be closed administratively.

DENIED