

VOTE SHEET

FEBRUARY 6, 2001

RE: DOCKET NO. 970201-WU - Application for transfer of facilities of Lake Region Paradise Island and amendment of Certificate No. 582-W held by Keen Sales, Rentals and Utilities, Inc. in Polk County.

Issue 1: Should the amount of the refund the utility was required to make in Order No. PSC-00-0913-PAA-WU be revised?

Recommendation: Yes. The amount of the refund the utility was required to make in Order No. PSC-00-0913-PAA-WU should be revised to reflect the difference between the amount that was billed to the LRPI customers from February, 1997 to November, 1999 and the amount authorized on May 14, 1996, when the Commission obtained jurisdiction in Polk County. The utility may submit the refund calculation for staff's verification and approval prior to the refund being made, pursuant to Rule 25-30.360(4)(e), Florida Administrative Code. The refund should be made on a per customer basis, pursuant to Rule 25-30.360, Florida Administrative Code. In addition, Keen should be required to complete the refunds to the Lake Region customers within one year of the effective date of the original Order issued on May 8, 2000. The interest on the refund should continue to accrue until the refunds are complete. The refunds should be credited to the customers' accounts or mailed to each customer's last known address. Keen should provide monthly refund status reports to the Commission beginning March 20, 2001, pursuant to Rule 25-30.360(7), Florida Administrative Code. These reports should include the information required by Rule 25-30.360(7),

COMMISSIONERS ASSIGNED: JC DS PL

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Michael A. Paley

[Signature]

[Signature]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

01783 FEB-7 2001

FPSC-RECORDS/REPORTING

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Florida Administrative Code. Copies of canceled checks or other evidence which verifies that the refunds have been made should be provided within 30 days from the date the refund is completed. Also, within 30 days of the date of the refund, the utility should provide a list of unclaimed refunds detailing contributor and amount, and an explanation of the efforts made to make the refund. After staff's verification and review of the refund process, any unclaimed refunds should be treated as CIAC pursuant to Rule 25-30.360(7), Florida Administrative Code. In addition, the utility should be again placed on notice that pursuant to Sections 367.081(1) and 367.091(3), Florida Statutes, it may, in the future, only charge rates and charges approved by the Commission.

APPROVED

Issue 2: Should this docket be closed?

Recommendation: No. Upon expiration of the protest period, if a timely protest is not filed by a substantially affected person, the Order should become final and effective upon the issuance of a Consummating Order. The docket should remain open pending verification of the refund and that any unclaimed refunds have been treated as CIAC. Also, the docket should remain open to address outstanding RAFs and annual report for the period from May 1996 through January 7, 1997, as specified in Order PSC-00-0913-PAA-WU. Staff should be granted administrative authority to close the docket upon verification that the refunds have been made and that the RAFs and annual report issues have been addressed in accordance with Commission orders.

APPROVED