

VOTE SHEET

DECEMBER 4, 2001

RE: Docket No. 991666-WU - Application for amendment of Certificate No. 106-W to add territory in Lake County by Florida Water Services Corporation. (Deferred from November 6, 2001 conference; revised recommendation filed.)

ISSUE A: Should the Commission grant the City of Groveland's Request for Oral Argument on its Motion to Reopen Hearing?

RECOMMENDATION: No. Staff recommends that the Commission should deny the City of Groveland's Request for Oral Argument on its Motion to Reopen Hearing. Should the Commission grant the Request for Oral Argument upon finding that oral argument would assist the Commission in making its decision on whether to reopen the record, staff recommends that oral argument be limited in scope to only the Motion to Reopen Hearing.

APPROVED

COMMISSIONERS ASSIGNED: Jaber, Baez, Palecki

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Michael A. Palecki

[Signature]

[Signature]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

15180 DEC-4 01

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ISSUE B: Should the Commission grant the City of Groveland's Motion to Reopen Hearing?

RECOMMENDATION: No. Staff recommends that the Commission should deny the City of Groveland's Motion to Reopen Hearing.

APPROVED

ISSUE C: Should the Commission grant the City of Groveland's Motion to Include Responses in Exhibit 23?

RECOMMENDATION: No. Staff recommends that the Commission deny the City of Groveland's Motion to Include Responses in Exhibit 23. The responses at issue have been appropriately filed in the docket.

APPROVED

ISSUE 1: When will service be required in the territory proposed by Florida Water Services Corporation's application?

RECOMMENDATION: Florida Water Services Corporation and the developer's actions indicate that water service will be required at the Summit in the near future. There is no need for centralized wastewater service at this time.

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ISSUE 2: Stipulated.

ISSUE 3: Stipulated.

ISSUE 4: Does Florida Water Services Corporation have the plant capacity to serve the requested territory?

RECOMMENDATION: Yes. FWSC has sufficient plant capacity to serve the requested territory. FWSC has provided reasonable options to increase its capacity if additional capacity is needed in the later years of the development.

APPROVED

ISSUE 5: Is Florida Water Services Corporation's application consistent with the local comprehensive plan?

RECOMENDATION: Yes. Florida Water Services Corporation's application is consistent with the City and County comprehensive plans.

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ISSUE 6: Does the City of Groveland have the financial ability to serve the requested territory?

RECOMENDATION: Yes. The City of Groveland appears to have the financial ability to serve the requested territory.

APPROVED

ISSUE 7: Does the City of Groveland have the technical ability to serve the requested territory?

RECOMMENDATION: Yes. The City has the technical ability to provide both water and wastewater service to the Summit. Further, the staff recommends that the City has the plant capacity and lines to provide water service. The City also appears to have the wastewater plant capacity, but not the wastewater lines to serve the Summit.

APPROVED

ISSUE 8: Is the City of Groveland's proposal to serve the area consistent with the local Comprehensive Plan?

RECOMENDATION: No. The City of Groveland's proposal to serve the potential service area is inconsistent with the City and County Comprehensive Plans.

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ISSUE 9: What is the landowner's service preference and what weight should the Commission give to the preference?

RECOMMENDATION: Staff recommends that the Commission may consider landowner preference and the record indicates that the developer's preference is FWSC. However, based on Storey v. Mayo, and the facts of this case, it is not necessary to give landowner preference any particular weight.

APPROVED

ISSUE 10: Will the extension of Florida Water Services Corporation's territory in Lake County duplicate or compete with the City of Groveland's utility system?

RECOMMENDATION: No. The extension of Florida Water Services Corporation's territory in Lake County will not duplicate or compete with the City of Groveland's utility system.

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ISSUE 11(a): If the granting of the territory which Florida Water Services Corporation seeks to add to its PSC certificate would result in an extension of a system which would be in competition with, or a duplication of the City of Groveland's system or portion of its system, is the City of Groveland's system inadequate to meet the reasonable needs of the public or is the City unable, refusing or neglecting to provide reasonably adequate service to the proposed territory?

RECOMMENDATION: If the Commission agrees with staff's recommendation on Issue 10 that the proposed extension of FWSC's Palisades system is not in competition with or duplication of the City's system, then it is unnecessary for the Commission to make a finding as to whether the City's system is inadequate or unable, refusing, or unwilling to provide reasonably adequate service to the Summit.

APPROVED

ISSUE 11(b): Does the Commission have the statutory authority to grant an extension of service territory to Florida Water Services Corporation which will be in competition with, or a duplication of, the City of Groveland's system(s), unless factual findings are made that the City's system(s) or portion thereof is inadequate to meet the reasonable needs of the public or that the City is unable, refuses, or has neglected to provide reasonably adequate service to the proposed service territory?

RECOMMENDATION: If the Commission agrees with staff's recommendation on Issue 10 that the proposed extension of FWSC Palisades system is not in competition with, or a duplication of, the City's system, then the Commission has the statutory authority in this docket to grant FWSC's amendment application if granting the amendment application is determined to be in the public interest.

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ISSUE 12: Is it in the public interest for Florida Water Services Corporation to be granted an amendment to Water Certificate No. 106-W for the territory proposed in its application?

RECOMENDATION: Yes. It is in the public interest to grant the amendment of Florida Water Services Corporation's Water Certificate No. 106-W for the territory proposed in its application, and Florida Water Services Corporation's application should be granted.

APPROVED

ISSUE 13: Should this docket be closed?

RECOMMENDATION: Yes. If no party appeals the final order issued in this docket, the docket should be closed upon the expiration of the time for filing a notice of appeal.

APPROVED