

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JANUARY 22, 2002

RE: Docket No. 011344-WS - Resolution No. 2001-128 by Nassau County, in accordance with Section 367.171, F.S., rescinding Florida Public Service Commission jurisdiction over investor-owned water and wastewater systems in Nassau County. (Deferred from January 8, 2002 conference; revised recommendation filed.)

ISSUE 1: Should the Commission acknowledge Resolution No. 2001-128, rescinding the Commission's jurisdiction over investor-owned water and wastewater utilities in Nassau County effective September 17, 2001?

RECOMMENDATION: Yes. The Commission should acknowledge Resolution No. 2001-128, rescinding the Commission's jurisdiction over investor-owned water and wastewater utilities in Nassau County, effective September 17, 2001. Certificate No. 001-W, held by Florida Public Utilities Company (Fernandina Beach System) (FPUC), should be canceled and returned to the Commission within 30 days from when FPUC is no longer a party to, or at the conclusion of, Docket No. 990817-WS. The cancellation of the certificate does not affect the authority of the Commission to collect, or the obligation of FPUC to pay, regulatory assessment fees accrued prior to the September 17, 2001, transfer of jurisdiction to the County.

DEFERRED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER - DATE

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FPSC-COMMISSION CLERK

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ISSUE 2: Does the Commission retain exclusive jurisdiction over United Water Florida Inc.'s (UWF) facilities in Nassau County pursuant to Section 367.171(7), Florida Statutes?

RECOMMENDATION: Yes. Pursuant to Section 367.171(7), Florida Statutes, because UWF operates as a single utility system transversing county boundaries, the County resolution does not rescind the Commission's exclusive jurisdiction over UWF's facilities in Nassau County, as well as in St. Johns and Duval Counties.

ISSUE 3: Does the Commission retain exclusive jurisdiction over Florida Water Services Corporation's (FWSC) facilities in Nassau County pursuant to Section 367.171(7), Florida Statutes?

RECOMMENDATION: No. Because FWSC does not operate as a single utility system transversing county boundaries, the Commission does not retain exclusive jurisdiction over its facilities in Nassau County pursuant to Section 367.171(7), Florida Statutes. Therefore, Certificates Nos. 171-W and 122-S, held by FWSC, should be canceled and returned to the Commission within 30 days of the conclusion of Docket No. 990817-WS. The cancellation of the certificates should not affect the authority of the Commission to collect, or the obligation of FWSC to pay, RAFs for the regulation of its Nassau County facilities accrued prior to the September 17, 2001, transfer of jurisdiction to Nassau County.

VOTE SHEET

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ISSUE 4: Should this docket be closed?

RECOMMENDATION: No. If no protest is received from a substantially affected person to the proposed agency action issues, a consummating order should be issued and this docket should remain open until Docket No. 990817-WS has been closed, after which time this docket should be closed administratively and FPUC'S Certificate No. 001-W and FWSC's Certificates Nos. 171-W and 122-S should be cancelled.