

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

APRIL 2, 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 March 5, 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 (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.

**APPROVED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Ruby Bradley*  
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*Michael A. Pollock*  
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*James H. ...*  
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*J. Terry Deaso*  
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*Michael A. Pollock*  
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

03746 APR-28

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(Continued from previous page)

ISSUE 2: Did the Commission retain exclusive jurisdiction over United Water Florida Inc.'s (UWF) facilities in Nassau County after the date of the County Resolution pursuant to Section 367.171(7), Florida Statutes, and regulatory authority over UWF up to the date that the utility was subsequently sold to an exempt governmental entity?

RECOMMENDATION: Yes. Pursuant to Section 367.171(7), Florida Statutes, because UWF operates as a single utility system transversing county boundaries, the County resolution did not rescind the Commission's exclusive jurisdiction over UWF's facilities in Nassau County, as well as in St. Johns and Duval counties. Nevertheless, pursuant to Order No. PSC-02-0280-FOF-WS, issued March 4, 2002, in Docket No. 020055-WS, the utility became exempt from Commission regulation on December 28, 2001, upon the sale of UWF to the JEA, an exempt governmental authority.

**APPROVED**

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: Yes. Because FWSC's facilities in Nassau County are part of a single utility system transversing county boundaries between Nassau and Duval counties, the County resolution does not rescind the Commission's exclusive jurisdiction over FWSC's facilities in Nassau County.

**APPROVED**

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(Continued from previous page)

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 should be cancelled.

**APPROVED**