

VOTE SHEET

JULY 15, 2003

RE: Docket No. 030067-WU - Application for approval of special service availability contract (developer agreement) with Avatar Properties Inc. and bulk water service agreement with Florida Governmental Utility Authority, by O&S Water Company, Inc. in Osceola County.  
Docket No. 030160-WU - Application for amendment of Certificate No. 510-W to extend water service area in Osceola County by O&S Water Company, Inc.

ISSUE 1: Should O&S Water Company's request for approval of its special service availability contract between O&S and API be approved?

RECOMMENDATION: Yes. The special service availability contract between O&S and API should be approved. The utility should file tariffs to implement the special service availability contract. The tariffs should become effective for connections made on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475(2), Florida Administrative Code, if no protest is filed within 21 days of the Order.

**APPROVED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in the majority column]*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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ISSUE 2: Should O&S Water Company, Inc.'s application for amendment of Certificate No. 510-W be granted?

RECOMMENDATION: Yes. O&S Water Company, Inc.'s application for amendment to expand its territory, as described in Attachment A of staff's July 2, 2003 memorandum, is in the public interest and should be granted. The utility should charge the customers in the territory added herein the monthly service rates contained in its current tariff until authorized to change by the Commission. The appropriate service availability policy and charges are discussed in Issue 3.

**APPROVED**

ISSUE 3: Should O&S Water Company, Inc. be authorized to change its approved service availability policy and charges for the Yates development?

RECOMMENDATION: Yes. The utility should be authorized to collect and remit to FGUA the FGUA plant capacity charge of \$1,200 per ERC in lieu of the utility's previously approved plant capacity and guaranteed revenue charges for new connections in the Yates development. The utility should file tariffs to reflect the change in its service availability policy and charges for the southern portion of its territory. The tariffs should become effective for connections made on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475(2), Florida Administrative Code if no protest is filed within 21 days of the Order. Further, the utility should mail or hand-deliver a notice of the change in the utility's service availability policy and charges for the southern portion of the utility's territory to the owners of the Yates development. The utility shall provide proof of the date the notice was given within 10 days after the date of the notice. In the event that a timely protest is filed, the tariff should remain in effect and the applicable charges should be held subject to refund pending resolution of the protest.

**APPROVED**

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ISSUE 4: Should these dockets be closed?

RECOMMENDATION: No. Docket Nos. 030067-WU and 030160-WU should remain open pending expiration of the protest period. If a timely protest is not filed, a Consummating Order should be issued and the dockets should be closed. In the event that a timely protest is filed, the dockets should remain open pending resolution of the protest.

**APPROVED**