

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JUNE 1, 2004

RE: Docket No. 040248-WU - Initiation of show cause proceedings against Kincaid Hills Water Company in Alachua County for violation of Rule 25-30.110, F.A.C., Records and Reports; Annual Reports, and Rule 25-30.120, F.A.C., Regulatory Assessment Fees; Water and Wastewater Utilities.

Issue 1: Should Kincaid be ordered to show cause, in writing, within 21 days, why it should not be fined for failure to remit its regulatory assessment fees (RAFs) as required by Section 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code?

Recommendation: No. A show cause proceeding should not be initiated. Staff recommends that Kincaid's proposed payment plan for past due regulatory assessment fees and associated penalties and interest be approved, as outlined in the analysis portion of staff's May 20, 2004 memorandum. The first payment should be received by June 20, 2004, and all subsequent payments should be due on the twentieth day of each month. If Kincaid fails to make a monthly payment by the twentieth day of the month, staff will return to the Commission for further enforcement of the payment plan, such as placement of a lien on the utility's real and personal property.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Charles M. Davis

John A. Labrecque

Maureen J. ...

J. Terry ...

Rusty Bradley

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

06151 JUN-1 04

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Issue 2: Should Kincaid be ordered to show cause, in writing, within 21 days, why it should not be fined for failure to file annual reports by the dates due as required by Rule 25-30.110, Florida Administrative Code?

Recommendation: No. A show cause proceeding should not be initiated. Staff recommends that the penalties calculated according to Rule 25-30.110(7), Florida Administrative Code, for delinquent annual reports should not be assessed.

APPROVED

Issue 3: Should this docket be closed?

Recommendation: Yes. This docket should be closed. If Kincaid does not make a payment in accordance with the payment schedule addressed in Issue 1, staff will return to the Commission for further enforcement of the payment plan.

APPROVED