

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 2, 2004

RE: Docket No. 030102-WS - Application for authority to transfer Certificate Nos. 620-W and 533-S in Highlands County from The Woodlands of Lake Placid, L.P. to L. P. Utilities Corporation.

Issue 1: Is Camp Florida Property Owners Association, Inc. an exempt entity pursuant to Section 367.022(7), Florida Statutes?

Recommendation: No. Based on the evidence in the record, Camp Florida's provision of water and wastewater service would not be exempt from Commission jurisdiction pursuant to Section 367.022(7), Florida Statutes.

**APPROVED**

COMMISSIONERS ASSIGNED: Deason, Bradley, Davidson

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Charles M. Deason*  
*J. James Davidson*  
*Bradley Bradley*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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Issue 2: Should the Commission approve the transfer of Certificate Nos. 620-W and 533-S from The Woodlands of Lake Placid, L.P. to L.P. Utilities Corporation?

Recommendation: Yes. The transfer of Certificate Nos. 620-W and 533-S from The Woodlands of Lake Placid, L.P. to L.P. Utilities Corporation is in the public interest and should be approved, effective on the day of the Commission vote. A description of the territory granted to Certificate Nos. 620-W and 533-S is appended to staff's October 21, 2004 memorandum as Attachment A. LPUC should continue charging the rates and charges approved for Woodlands, until authorized to change by the Commission in a subsequent proceeding. LPUC should be required to file revised tariff sheets reflecting the transfer to LPUC, including the currently approved rates and charges, within 30 days of the Order. The tariff pages reflecting the transfer should be effective for services provided or connections made on or after the stamped approval date on the tariff sheets.

**APPROVED**

Issue 3: Should the Commission approve an acquisition adjustment for the transfer of The Woodlands of Lake Placid, L.P. to L.P. Utilities Corporation?

Recommendation: No. The purchase price resulting from the loan from Highvest Corporation to L.P. Utilities Corporation in the amount of \$409,959 is greater than the combined amount of water and wastewater rate base in the amount of \$380,609. Therefore, pursuant to Rule 25-30.0371, Florida Administrative Code, no acquisition adjustment should be made.

**APPROVED**

Issue 4: Is the transfer of L.P. Utilities to Camp Florida in the public interest?

Recommendation: No. It is not in the public interest to approve the transfers of the wastewater system or the LPUC stock to the Association.

**APPROVED**

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Issue 5: Does the evidence demonstrate that Camp Florida will fulfill the obligations and commitments of Woodlands?

Recommendation: Yes. It appears that Camp Florida will fulfill the commitments, obligations, and representations of the utility if the transfers are approved.

**APPROVED**

Issue 6: Should the Commission approve the transfer of the wastewater facilities to Camp Florida Property Owners Association, Inc. and cancel Certificate No. 533-S?

Recommendation: No. The transfer of the wastewater facilities to Camp Florida Property Owners Association, Inc. is not in the public interest and should not be approved.

**APPROVED**

Issue 7: Should the Commission approve the transfer of majority organizational control of L.P. Utilities Corporation from AnBeth Corporation to Camp Florida Property Owners Association, Inc.?

Recommendation: No. The transfer of the majority organizational control of LPUC from Anbeth to the Association is not in the public interest and should not be approved.

**APPROVED**

Issue 8: Should this docket be closed?

Recommendation: Upon the expiration of the appeal period, if no party timely appeals the order, and upon the filing and staff's approval of the revised tariff sheets, this docket should be closed.

**APPROVED**