

VOTE SHEET

May 2, 2006

Docket No. 050880-WU – Petition for limited alternative rate increase in Lake County by Brendenwood Water System, Inc.

Issue 1: Should the Commission approve Brendenwood Water System, Inc.'s application for a limited alternative rate increase?

Recommendation: Yes. The Commission should approve Brendenwood Water System, Inc.'s application for a limited alternative rate increase in the amount of 20 percent. Pursuant to Rule 25-30-457(13), F.A.C., the utility should be required to hold any revenue increase granted subject to refund with interest for a period of 15 months after the filing of its annual report for the year the adjustment in rates was implemented. If overearnings occur, such overearnings, up to the amount held subject to refund, with interest, should be disposed of for the benefit of the customers.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of Katrina J. Jew, Jim Cohen, J. Terry, and others under the MAJORITY column.

Empty lines under the DISSENTING column.

REMARKS/DISSENTING COMMENTS:

Commissioner Arriaga participated in the conference by telephone. He agreed with/dissented from the majority vote and will sign the vote sheet upon return to the office.

DOCUMENT NUMBER-DATE

04211 MAY 15 06

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**Issue 2:** What are the appropriate monthly service rates?

**Recommendation:** The water service rates for Brendenwood in effect as of November 30, 2005 should be increased by 20 percent to generate the recommended revenue increase. The utility should file revised tariff sheets and a proposed customer notice to reflect the Commission-approved rates. The approved rates should be effective for service rendered on or after the stamped approval date on the revised tariff sheets pursuant to Rule 25-30.475(1), F.A.C. In addition, the rates should not be implemented until staff has approved the proposed customer notice. The utility should provide proof of the date notice was given no less than 10 days after the date of the notice.

**APPROVED**

**Issue 3:** Should the recommended rates be approved for the utility on a temporary basis in the event of a protest filed by a party other than the utility?

**Recommendation:** Yes. Pursuant to Rule 25-30.457(16), F.A.C., in the event of a protest of the Proposed Agency Action (PAA) Order by a substantially affected person other than the utility, the utility should be authorized to implement the rates established in the PAA order on a temporary basis upon the utility filing a staff-assisted rate case application within 21 days of the date the protest is filed. Pursuant to Rule 25-30.457(18), F.A.C., if the utility fails to file a staff-assisted rate case application within 21 days in the event there is a protest, the application for a limited alternative rate increase should be deemed withdrawn.

**APPROVED**

**Issue 4:** Should this docket be closed?

**Recommendation:** Yes. If no timely protest is filed by a substantially affected person within 21 days of the Order, a Consummating Order should be issued and the docket should be closed. If a protest is filed within 21 days of the issuance of the Order, the docket should remain open pending resolution of the protest.

**APPROVED**