

VOTE SHEET

April 24, 2007

Docket No. 030106-SU – Application for staff-assisted rate case in Lee County by Environmental Protection Systems of Pine Island, Inc.

Issue 1: Should Environmental Protection Systems of Pine Island, Inc. be required to refund to customers amounts it collected for a pro forma interconnection project that was not completed within the required time period, and, if so, what amounts?

Recommendation: Yes. Environmental Protection Systems of Pine Island, Inc. should be required to refund 35.64 percent of revenues collected from November 15, 2003, through August 4, 2004; 8.97 percent of revenues collected from August 5, 2004, through December 31, 2004; and 4.77 percent of revenues collected from January 1, 2005, through the date rates are changed. The refunds should be made within 90 days of the effective date of the Consummating Order and include interest as required by Rule 25-30.360(4), Florida Administrative Code (F.A.C.). The utility should be required to submit the proper refund reports, pursuant to Rule 25-30.360(7), F.A.C. The refund should be made to customers of record as of the date of the Consummating Order, pursuant to Rule 25-30.360(3), F.A.C. The utility should treat any unclaimed refunds as CIAC, pursuant to Rule 25-30.360(8), F.A.C.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of Katya J. McMurrin and other commissioners under the MAJORITY column.

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

03479 APR 24 5

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**Issue 2:** Should EPS's rates be reduced to remove the rate impact of the difference in projected versus actual cost of the pro forma plant items?

**Recommendation:** Yes. Wastewater rates should be reduced by 4.77 percent (\$11,003) annually. 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 tariff sheet, pursuant to Rule 25-30.475(1), Florida Administrative Code. The appropriate wastewater rates are reflected on Schedule B of staff's April 12, 2007, memorandum.

**APPROVED**

**Issue 3:** Should the utility be ordered to show cause, in writing within 21 days, why it should not be fined for its apparent failure to comply with the requirements of Order No. PSC-03-1119A-PAA-SU to complete the construction of facilities needed to interconnect with PIRTS within nine months of the issuance date of the Consummating Order?

**Recommendation:** No. Show cause proceedings should not be initiated at this time.

**APPROVED**

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

**Recommendation:** No. If no timely protest is filed by a substantially affected person within 21 days of the Proposed Agency Action Order, a Consummating Order should be issued. However, the docket should remain open for staff's verification that the revised tariff sheets and customer notice have been filed by the utility and approved by staff and that the refund has been completed and verified by staff. Once these actions are complete, this docket should be closed administratively.

**APPROVED**