

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

March 18, 2008

Docket No. 070740-SU – Joint application for approval of transfer of Hudson Utilities, Inc.'s wastewater system and Certificate No. 104-S, in Pasco County, to Ni Florida, LLC.

Issue 1: Should the Commission approve the transfer of facilities and Certificate No. 104-S from Hudson Utilities, Inc. to Ni Florida, LLC?

Recommendation: Yes, the transfer of facilities and Certificate No. 104-S from Hudson Utilities, Inc. to Ni Florida, LLC is in the public interest and should be approved effective the date of the Commission's vote. The subsequent order will serve as the utility's wastewater certificate and should be retained by the utility. Pursuant to Rule 25-9.044(1), Florida Administrative Code, the rates and charges approved for the utility should be continued until authorized to change by the Commission in a subsequent proceeding. Hudson is responsible for the payment of the 2008 regulatory assessment fees (RAFs) from January 1, 2008 to the date of the closing and for filing the 2007 annual report by March 31, 2008. Ni Florida is responsible for payment of the RAFs from the date of closing through December 31, 2008 and the RAFs for future years. Also, Ni Florida is responsible for filing the 2008 annual report and future annual reports. A description of the territory being transferred is appended as Attachment A of staff's memorandum dated March 6, 2008. The buyer should be required to file documentation confirming the closing of the purchase within 15 days of the closing.

APPROVED, with revised language concerning not requesting a positive acquisition adjustment at this time.

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners on lines.

Empty lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER - DATE

02015 MAR 18 8

FPSC - COMMISSION CLERK

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**Issue 2:** Should this docket be closed?

**Recommendation:** No, this docket should remain open until staff receives proof of the executed purchase agreement confirming the closing and after rate base is set in a subsequent recommendation.

**APPROVED**