

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

May 6, 2008

Docket No. 070548-WS – Application for certificates to provide water and wastewater service in Marion County by Century - Fairfield Village, Ltd.

Issue 1: Should Century-Fairfield Village, Ltd. (Century-Fairfield) be ordered to show cause, in writing, within 21 days, why it should not be fined for charging rates and charges that are not contained in its tariff, in apparent violation of Sections 367.081(1) and 367.091(4), F.S.?

Recommendation: No, a show cause proceeding should not be initiated. The utility should, however, be put on notice that, pursuant to Sections 367.081(1) and 367.091(4), F.S., it must charge only those rates and charges approved by the Commission in its tariff.

DEFERRED — Staff was directed to come back to a later Conference with options as discussed at the Commission Conference.

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in majority column]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

03726 MAY-6 8

FPSC-COMMISSION CLERK

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Issue 2: Should Century-Fairfield be ordered to refund the revenues collected from its unauthorized charges for water service and if so, what is the amount and how should it be distributed?

Recommendation: Yes, the utility should be required to refund the unauthorized revenues collected for water service for the period of May 2007 to September 2007, within 90 days of the Consummating Order, pursuant to Rule 25-30.360, F.A.C. The refunds should be made with interest in accordance with Rule 25-30.360(4), F.A.C., to those water customers who paid the unauthorized charge (qualified customers). The utility should be allowed to make the refund by providing a credit to qualified customers' bills. The utility should provide monthly refund reports, pursuant to Rule 25-30.360(7), F.A.C., until all refunds are completed. The utility should treat any unclaimed refunds in accordance with Rule 25-30.360(8), F.A.C.

DEFERRED — Staff was directed to come back to a later Conference with options as discussed at the Commission Conference.

Issue 3: What are the appropriate initial water and wastewater rates and return on investment for Century-Fairfield Village, Ltd?

Recommendation: Staff's recommended water and wastewater rates, as shown on Schedule 4 of staff's memorandum dated April 24, 2008, should be approved. The utility should be authorized to bill on a quarterly basis. Century-Fairfield should charge the approved rates until authorized to change them by this Commission in a subsequent proceeding. The utility should file a proposed customer notice to reflect the Commission-approved rates. The water and wastewater rates should be effective for services rendered on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475, F.A.C. In addition, the rates should not be implemented until staff has approved the proposed customer notice and tariff sheets. The utility should distribute the notice to the customers no later than with the first bill containing the rates and should provide proof of the date the notice was given no less than ten days after the date of the notice. A return on equity of 12.01% with a range of plus or minus 100 basis points should be approved.

DEFERRED — Staff was directed to come back to a later Conference with options as discussed at the Commission Conference.

Issue 4: Should the utility's request for miscellaneous service charges and a late fee be approved?

Recommendation: Yes. The utility's request for miscellaneous service charges and a late fee should be approved. The charges should be effective for services rendered on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475, F.A.C.

DEFERRED — Staff was directed to come back to a later Conference with options as discussed at the Commission Conference.

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Issue 5: In the event of a timely protest of the Proposed Agency Action (PAA) Order, should any recommended rates be approved for the utility on a temporary basis, subject to refund?

Recommendation: Yes. In the event of a protest of the PAA Order, the utility should be allowed to continue collecting the rates set forth in this schedule as shown in the analysis portion of staff's memorandum dated April 24, 2008, as temporary rates. However, in order to protect utility customers from potential overearnings, the utility should hold \$57,548 of annual service revenues subject to refund. Prior to implementation of any temporary rates, the utility should provide appropriate security. In the event of a protest, the security should be in the form of a bond or letter of credit. Alternatively, the utility could establish an escrow agreement with an independent financial institution. If security is provided by an escrow agreement, the utility should escrow all revenues collected during the pendency of the case. In addition, after the rates are in effect, pursuant to Rule 25-30.360(6), F.A.C., the utility should file reports with the Commission's Division of Economic Regulation no later than the 20th of each month indicating the monthly and total amount of money subject to refund at the end of the preceding month. The report filed should also indicate the status of the security being used to guarantee repayment of any potential refund.

DEFERRED — Staff was directed to come back to a later Conference with options as discussed at the Commission Conference.

Issue 6: Should this docket be closed?

Recommendation: No. If no timely protest to proposed agency action order is filed by a substantially affected person within 21 days, a Consummating Order should be issued. However, the docket should remain open for staff to verify that the utility has completed the required refunds and has filed its tariff sheets and staff has administratively approved them. Once these actions are complete, the dockets may be closed administratively. In the event there is a timely protest, this docket should remain open pending resolution of the protest.

DEFERRED — Staff was directed to come back to a later Conference with options as discussed at the Commission Conference.