

VOTE SHEET

September 29, 2008

Docket No. 080079-SU – Application for certificate to provide wastewater service in Highlands County by Utility Corporation of Florida, Inc.

Issue 1: Should Utility Corporation of Florida, Inc. be ordered to show cause, in writing within 21 days, as to why they should not be fined for providing wastewater service to the public for compensation without first obtaining a certificate of authorization from the Commission in apparent violation of Sections 367.031 and 367.045, F.S., and Rule 25-30.034, Florida Administrative Code (F.A.C)?

Recommendation: No. Show cause proceedings should not be initiated.

APPROVED

Issue 2: Should Utility Corporation of Florida, Inc. be ordered to show cause, in writing within 21 days, as to why it should not be fined for initiating an unauthorized rate increase on January 1, 2008, in apparent violation of Sections 367.081(1) and 367.091(3), F.S., and Rule 25-30.135, F.A.C.?

Recommendation: No. Show cause proceedings should not be initiated.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Katrina J. McMurrin, Scott B. ...

Blank lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE
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Issue 3: Should Utility Corporation of Florida, Inc.'s application for wastewater certificate be granted?

Recommendation: Yes. The utility should be granted Certificate No. 550-S to serve the territory described in Attachment A of staff's recommendation dated September 17, 2008, effective the date of the Commission's vote. The resultant order should serve as the utility's wastewater certificate and should be retained by the utility.

APPROVED

Issue 4: What are the appropriate rates and charges for Utility Corporation of Florida, Inc.?

Recommendation: A monthly service rate of \$32.00 per unit for wastewater treatment services should be approved. In addition, a usage charge of \$0.50 per thousand gallons of treated effluent should be approved. Utility Corp. should be required to charge these approved rates until authorized to change them by this Commission in a subsequent proceeding. Utility Corp. should file a proposed customer notice and tariff sheets reflecting the Commission-approved rates for staff approval. Once the notice and tariff sheets have been approved, 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. The utility should distribute the approved notice to customers no later than with the first bill containing the rates. Proof of the date the notice was given should be filed within ten days after the date of the notice.

APPROVED

Issue 5: Should the utility be required to refund any increase in rates collected since January 1, 2008?

Recommendation: Yes. The utility should be required to refund all of the revenues collected from the unauthorized rate increase, with interest, within 90 days of the Consummating Order, pursuant to Rule 25-30.360, F.A.C. Interest should be calculated, pursuant to Rule 25-30.360(4), F.A.C., with the average monthly interest rate calculated for each month of the refund period. Interest on the refunds should continue to accrue until the refunds are complete. The refunds should be credited to the accounts of the customers who paid the unauthorized rate increase (qualified customers) or mailed to each qualified customer's last known address. No maintenance or administrative costs associated with the refunds should be borne by the customers. The utility should provide monthly refund reports until the refunds are completed, as well as a final refund status report within 30 days from the date that the refunds are completed, as required by Rule 25-30.360(2) and (7), F.A.C, respectively. The utility should treat any unclaimed refunds in accordance with Rule 25-30.360(8), F.A.C.

APPROVED

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Issue 6: Should this docket be closed?

Recommendation: No. Upon expiration of the protest period, if a timely protest is not filed by a substantially affected person to the proposed agency action issues, the Order should become final and effective upon the issuance of a Consummating Order. The docket should be held open pending verification that noticing to customers of the Commission-approved rates has been given and that refunds to customers have been made after which staff should be granted administrative authority to close the docket.

APPROVED