

VOTE SHEET

May 4, 2010

Docket No. 100094-WS – Notice of appointment of receiver for Service Management Systems, Inc. in Brevard County pursuant to Circuit Court foreclosure proceeding.

Issue 1: Should the Commission acknowledge the appointment of Mr. Dennis Basile as receiver for Service Management Systems, Inc.?

Recommendation: Yes. The Commission should acknowledge the appointment of Mr. Dennis Basile as receiver for SMS effective February 3, 2010. The territory previously approved for this utility is described in Attachment A of staff's memorandum dated April 23, 2010. The resultant order should serve as SMS's Certificate Nos. 517-W and 450-S and should be retained by the utility. The rates and charges approved for the utility should be continued until authorized to be changed by the Commission in a subsequent proceeding. The receiver should ensure that utility pays its 2009 RAFs and files the 2009 annual report by June 30, 2010.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of David E. Klement and other majority members on a set of four horizontal lines.

Four horizontal lines for dissenting signatures, currently blank.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

03703 MAY-4 09

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

**Recommendation:** No. This docket should remain open pending payment of the 2009 RAFs and filing of the 2009 Annual Report. Upon payment of the utility's 2009 RAFs and filing of the utility's 2009 Annual Report, this docket should be closed administratively.

**APPROVED**