

VOTE SHEET

DATE: October 9, 1996

RE: DOCKET NO. 961593-MS - Application for approval of revised service availability charges in Flagler County by Palm Coast Utility Corporation. (Deferred from the October 8, 1996 Commission Conference due to Tropical Storm Josephine.)

Issue 1: Recommendation that the Utility's tariff filing to modify its service availability charges should not be approved as filed. Palm Coast Utility Corporation's (PCUC's) water and wastewater level of contribution-in-aid-of-construction (CIAC) exceeds the 75% maximum specified in Rule 25-30.580(1)(a), F.A.C. Therefore, the tariffs filed on December 27, 1995, for water and wastewater system capacity charges, should be denied as filed. Further, PCUC should be ordered to discontinue collection of all authorized service availability charges, as of the effective date of the order. The utility should be ordered to file revised tariff sheets within 10 days of the effective date of the order, which are consistent with the Commission's vote. Staff should be given administrative authority to approve the revised tariff sheets upon verification that the tariffs are consistent with the Commission's decision.

**DEFERRED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

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REMARKS/DISSENTING COMMENTS:

*Staff to advise.*

PSC/RAR33(5/90)

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FPSC-RECORDS/REPORTING

Issue 2: Recommendation that the docket be closed upon the utility's timely filing of revised tariffs according to the Commission's order, staff's verification that the tariffs reflect the Commission's order, and if no protests are filed by a substantially affected person within 21 days of issuance of the order. If any timely protest is filed, the docket should not be closed. If a protest is filed regarding the denial of the proposed tariff or the Commission's approval of the proposed tariff, as addressed in Issue 1, the utility's proposed tariff may be implemented. If the utility's proposed tariff is implemented, then all charges collected under the proposed tariff should be held subject to refund pending resolution of the protest. If a protest is filed regarding the proposed agency action portion of the order as addressed in Issue 1, then that portion of the order will be null and void and any revenues collected under the existing tariff should be held subject to refund.