

VOTE SHEET

DECEMBER 15, 1997

RE: DOCKET NO. 920199-WS - Application for rate increase in Brevard, Charlotte/Lee, Citrus, Clay, Duval, Highlands, Lake, Marion, Martin, Nassau, Orange, Osceola, Pasco, Putnam, Seminole, Volusia, and Washington Counties by SOUTHERN STATES UTILITIES, INC.; Collier County by MARCO SHORES UTILITIES (Deltona); Hernando County by SPRING HILL UTILITIES (Deltona); and Volusia County by DELTONA LAKES UTILITIES (Deltona).

PARTICIPATION IS DEPENDENT UPON VOTE IN ISSUE NO. 2.

Issue 1: Should the petitions to intervene filed by Charlotte County, Best Western Deltona Inn, Florida United Methodist Children's Home, Inc., and Sugar Mill Association, Inc., be granted?

Recommendation: Yes. Based on the information filed by the date of filing this recommendation, the petitions to intervene should be granted.

*and Sugar Mill Country Club, Inc.*

**MODIFIED**

*Approved as modified*

DOCUMENT NUMBER-DATE

12834 DEC 17 96

FPSC-RECORDS/REPORTING

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Joe Garcia*  
*Susan Clark*  
*G. James*  
*John*

*Joe Garcia (Motions)*  
*James* (Issue 3)  
*John*

REMARKS/DISSENTING COMMENTS: *Commissioners Johnson and Garcia dissented from majority decision on motions for continuance. Commissioners Johnson and Kiestling dissented from majority vote on Issue 3.*

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Issue 2: Should parties be allowed to participate in this proceeding?

Recommendation: Yes. Participation should be limited to five minutes for each party.

**MODIFIED** *Approved with modification that customers also be allowed to speak, at a maximum of two minutes each, with additional time allowed at the Chairman's discretion.*

Issue 3: In light of Southern States Utils., Inc. v. Florida Public Service Comm'n, what is the appropriate action the Commission should take?

Recommendation: If the Commission does not construe the Southern States decision as an affirmation of the refund portion of Order No. PSC-96-1046-FOF-WS, the Commission has 2 main options available: no refund/no surcharge and refund/surcharge. Otherwise, the Commission must choose the refund/surcharge option. If the Commission adopts the refund/surcharge option, there are multiple methodologies for implementation, as discussed further in the analysis portion of staff's 12/4/97 memorandum.

**DENIED** *There will be no surcharge, and no refund, unless an outside source can be found for a refund.*  
*Commissioners Johnson and Kiebling dissented.*

Issue 4: If the Commission determines that FWSC should be required to make refunds and surcharges to comply with Southern States Utils., Inc. v. Florida Public Service Comm'n, should an evidentiary proceeding be scheduled to determine guidelines for implementation?

Recommendation: Yes. If the Commission chooses any variation of the refund/surcharge option, it should hold a one-day hearing to determine the guidelines for implementation and final resolution. The dates for filing testimony, etc. should be established by the Prehearing Officer by order.

*No decision necessary due to vote in Issue 3.*

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Issue 5: Should FWSC be required to refund to its Spring Hill facilities the difference between revenues collected through the uniform rate and modified stand-alone rate for the period January 23, 1996 through June 14, 1997?

Recommendation: Yes, FWSC should be ordered to refund to its Spring Hill service area the difference between revenues collected through the uniform rate and the modified stand-alone rate for the period January 23, 1996 through June 14, 1997. The refunds should be made in accordance with Rule 25-30.360, Florida Administrative Code.

**APPROVED**

Issue 6: Should the docket be closed?

Recommendation: No. The docket should remain open to conduct further evidentiary hearings on the implementation and final resolution of this matter if the Commission approves the refund/surcharge option. To that extent, the order should be issued after the final resolution of this matter. However, if the Commission determines further hearings are not required, the docket should be administratively closed upon staff's verification that the utility has completed the required refunds and surcharges. Further, the utility's bond can be released upon staff's verification that the refunds have been completed. If the Commission approves the no refund/no surcharge option, no further action is required and the docket should be closed.

**MODIFIED**

*Docket will be closed after time for appeals has run.*

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*The Commissioners voted to deny the motions for continuance. Commissioners Johnson and Garcia dissented.*