

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

MAY 12, 1998

RE: DOCKET NO. 950495-WS - Application for rate increase and increase in service availability charges by Southern States Utilities, Inc. for Orange-Osceola Utilities, Inc. in Osceola County, and in Bradford, Brevard, Charlotte, Citrus, Clay, Collier, Duval, Highlands, Lake, Lee, Marion, Martin, Nassau, Orange, Osceola, Pasco, Putnam, Seminole, St. Johns, St. Lucie, Volusia, and Washington Counties.

Issue 1: Should the Commission grant Florida Water's petition for declaratory statement?

Recommendation: No. The petition should be denied.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners on a set of four horizontal lines.

Four horizontal lines for dissenting signatures, currently blank.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

05350 MAY 13 88

NOTE SHEET

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Issue 2: Did the notices of cross-appeal filed by OPC and Citrus County trigger the automatic stay provisions of Rule 25-22.061(3)(a), Florida Administrative Code, and, if so, should Florida Water's alternative motion to vacate the automatic stay be granted?

Recommendation: Yes, the automatic stay provisions of Rule 25-22.061(3)(a), Florida Administrative Code, were triggered on November 26, 1996, by the filing of the first notice of cross-appeal by a public body. Therefore, Florida Water's alternative motion to vacate the automatic stay should be granted.

**APPROVED**

Issue 3: If staff's recommendation on Issue 2 is approved, what is the appropriate security for Florida Water to post for the purpose of the vacation of the automatic stay?

Recommendation: If staff's recommendation on Issue 2 is approved, Florida Water should be required to post a bond in the amount of \$3,553,766 as security for vacation of the automatic stay. The current interim appeal bond may be reduced to this amount. The bond should state that it will remain in effect during the pendency of the appeal and will be released or terminated upon subsequent order of the Commission addressing the potential refund.

**APPROVED**

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Issue 4: Should the Commission order Florida Water to show cause, in writing within twenty days, why it should not be fined for its apparent violation of Rule 25-22.061(3)(a), Florida Administrative Code?

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

**APPROVED**

Issue 5: Should Florida Water's motion to establish mechanism to hold it harmless in the event the modified stand-alone capband rate structure is reversed on appeal be granted?

Recommendation: No. Because the motion is moot, it need not be ruled upon.

**APPROVED**

Issue 6: Should the docket be closed?

Recommendation: No. The docket should remain open pending the outcome of the appeal.

**APPROVED**