

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 30, 1999

RE: DOCKET NO. 990872-WU - Initiation of show cause proceedings against WELLAQUA Co. for violation of Rules 25-30.110, F.A.C., Failure to File Annual Report, 25-30.310, F.A.C., Initiation of Service, 25-30.320, F.A.C., Refusal of Service, 25-30.330, F.A.C., Information to Customers, 25-30.355, F.A.C., Complaints, and 25-30.520, F.A.C., Responsibility of Utility to Provide Service.

Issue 1: In light of the utility's response to the Show Cause Order, should Wellaquia be required to remit a penalty in the amount of \$7,986 for apparent violation of Rule 25-30.110, Florida Administrative Code, by failing to file annual reports for 1995 through 1998, and should Wellaquia be required to file the annual reports for 1995 through 1998?

Recommendation: Wellaquia should be required to remit a penalty in the amount of \$7,986 for apparent violation of Rule 25-30.110, Florida Administrative Code, but should not be required to file the annual reports for 1995 through 1998. Instead, Wellaquia should be required to submit an affidavit certifying the amount of revenues it collected for 1995 through 1998. The affidavit should be submitted within 30 days of the date of issuance of the Order. In the event staff determines that the RAFs paid by the utility for 1995 through 1998 were insufficient, the utility should be required to remit the balance due within 15 days of receipt of written

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the Majority column]

REMARKS/DISSENTING COMMENTS:

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notification of the outstanding balance. RAFs for January through July 27, 1999, the portion of 1999 that the Commission had jurisdiction over Wellaqu, should be remitted on or before March 31, 2000. In the event staff determines that the utility overpaid RAFs, any amount overpaid should be refunded to the utility.

MODIFIED

As reflected on item No. 36 attachment.

Issue 2: In light of the utility's response to the Show Cause Order, should Wellaqu Co. be required to remit a fine for apparent violation of Rules 25-30.310 (Initiation of Service), 25-30.320 (Refusal or Discontinuance of Service), 25-30.330 (Information to Customers), 25-30.355 (Complaints), and 25-30.520 (Responsibility of Utility to Provide Service), Florida Administrative Code?

Recommendation: No. Based upon the information contained in utility's response to the Show Cause Order, staff recommends that the utility has apparently violated Rules 25-30.320(4) (Refusal or Discontinuance of Service), and 25-30.355 (Complaints), Florida Administrative Code. However, staff recommends that there is insufficient information to find that the utility apparently violated Rules 25-30.310 (Initiation of Service), 25-30.330 (Information to Customers), 25-30.520 (Responsibility of Utility to Provide Service), Florida Administrative Code.

APPROVED

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Issue 3: Should this docket be closed?

Recommendation: If the Commission approves staff's recommendation in Issue 1, and the utility remits the penalty in the amount of \$7,986, within 30 days of the issuance date of the Order, and submits an affidavit certifying revenues for 1995 through July 27, 1999, staff believes this docket should be closed administratively upon staff's verification that the correct amount of RAFs have been paid. If the utility fails to remit the penalty amount listed above, and fails to respond to reasonable collection efforts by Commission staff, the outstanding penalty amount should be referred to the Comptroller's office for further collection efforts and this docket should be closed administratively.

APPROVED

Item #36
Docket No. 990872-WU
Oral Modification

DISCUSSION OF ISSUES

ISSUE 1: In light of the utility's response to the Show Cause Order, should Wellaquia be required to remit a penalty in the amount of \$7,986 for apparent violation of Rule 25-30.110, Florida Administrative Code, by failing to file annual reports for 1995 through 1998, and should Wellaquia be required to file the annual reports for 1995 through 1998?

RECOMMENDATION: Wellaquia should be required to remit a penalty in the amount of \$7,986 for apparent violation of Rule 25-30.110, Florida Administrative Code, for failure to file annual reports for 1995 through 1998. ~~but~~ However, the utility should ~~not only~~ be required to ~~file~~ submit the portion of the annual reports for 1995 through 1998 that certify the revenues for each of these years, instead of submitting the full annual reports. ~~Instead,~~ Wellaquia should be required to ~~submit an affidavit certifying the amount of revenues it collected for 1995 through 1998.~~ The ~~affidavit~~ partial annual reports should be submitted within 30 days of the date of issuance of the Order. In the event staff determines that the RAFs paid by the utility for 1995 through 1998 were insufficient, the utility should be required to remit the balance due within 15 days of receipt of written notification of the outstanding balance. RAFs for January through July 27, 1999, the portion of 1999 that the Commission had jurisdiction over Wellaquia, should be remitted on or before March 31, 2000. In the event staff determines that the utility overpaid RAFs, any amount overpaid should be refunded to the utility. (CROSSMAN, GROOM)

APPROVED