

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

DECEMBER 21, 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 A: Should the Commission reconsider, on its own motion, its vote on Item No. 36 from the November 30, 1999 Agenda Conference?

Recommendation: Yes. At a Commissioner's request, the Commission should reconsider, on its own motion, its vote on Item No. 36 from the November 30, 1999 Agenda Conference.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Susan J. Clark
Bob Jones
J. Terry Weas
S. Long

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE
15611 DEC 21 8
FPSC-RECORDS/REPORTING

VOTE SHEET

DECEMBER 21, 1999

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.

(Continued from previous page)

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. However, the utility should only be required to submit pages F-3 and V-1, the portion of the annual report that certifies the revenues, for each of these years, instead of submitting full annual reports. The 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.

APPROVED

VOTE SHEET

DECEMBER 21, 1999

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.

(Continued from previous page)

Issue 2: In light of the utility's response to the Show Cause Order, should Wellaquia Company 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

VOTE SHEET

DECEMBER 21, 1999

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.

(Continued from previous page)

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 pages F-3 and V-1 of the annual reports for 1995 through 1998 for the purpose of certifying revenues, staff believes this docket should be closed administratively upon staff's verification that the correct amount of RAFs have been paid. The utility should also file an annual report for January 1, 1999 through July 27, 1999, the period of time that the utility was subject to Commission jurisdiction. 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.