

VOTE SHEET

JANUARY 18, 2000

RE: DOCKET NO. 951056-WS - Application for rate increase in Flagler County by Palm Coast Utility Corporation. (Deferred from the 11/30/99 Commission Conference.)

Issue 1: In light of the decision and mandate of the First District Court of Appeal, what action should the Commission take regarding the Court's reversal and remand of portions of Order No. PSC-96-1338-FOF-WS, issued November 7, 1996?

Recommendation: The Commission should reopen the record for the very limited purpose of taking evidence on what methodology should be used in calculating the used and useful percentages for the water distribution and wastewater collection systems; whether to approve a fire flow allowance; and what flows should be used in the numerator of the used and useful equation. If the Commission does reopen the record to take evidence on these issues, staff believes that the additional issue of rate case expense for reopening the record can be considered at that time. The Commission should not reopen the record on the margin reserve period for the

COMMISSIONERS ASSIGNED: DS CL

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Susan T. Clark

J. Tom [unclear]

REMARKS/DISSENTING COMMENTS:

Issue 1 is deferred.

DOCUMENT NUMBER-DATE

00751 JAN 19 2000

FPSC-RECORDS/REPORTING

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wastewater plant and instead should adopt a three- year margin reserve period which was supported by the testimony of staff witness Amaya. Furthermore, the Commission should, in accordance with the Court's mandate, correct the service availability charge used to impute CIAC on margin reserve.

DEFERRED

Issue 2: Should PCUC be required to modify its current appeal bond in order to secure any potential refunds pending the completion of the hearing?

Recommendation: Yes. PCUC should be required to increase its current appeal bond to the amount of \$1,622,122.

APPROVED

Issue 3: Should this docket be closed?

Recommendation: No. The docket should remain open pending final disposition of the remand.

APPROVED