

VOTE SHEET

FEBRUARY 29, 2000

RE: DOCKET NO. 970657-WS - Application for certificates to operate a water and wastewater utility in Charlotte and DeSoto Counties by Lake Suzy Utilities, Inc.

DOCKET NO. 980261-WS - Application for amendment of Certificates Nos. 570-W and 496-S to add territory in Charlotte County by Florida Water Services Corporation.

Issue 1: Should the Commission approve the February 9, 2000 Settlement Agreement and Stipulation filed by Lake Suzy Utilities, Inc. and Florida Water Services Corporation?

Recommendation: Yes. The Commission should approve the February 9, 2000 Settlement Agreement and Stipulation filed by Lake Suzy Utilities, Inc. and Florida Water Services Corporation subject to the clarifications and corrections discussed at the January 24, 2000, Prehearing Conference.

APPROVED

COMMISSIONERS ASSIGNED: DS CL JC

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

A Susan J Clark
J. Terry Dean
[Signature]

REMARKS/DISSENTING COMMENTS:

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(Continued from previous page)

Issue 2: Should Florida Water Services Corporation's Certificates Nos. 570-W and 496-S be amended to delete one partial lot and some vacant area in the Links territory?

Recommendation: Yes. Florida Water Services Corporation's Water Certificate No. 570-W and Wastewater Certificate No. 496-S should be amended to delete one partial lot and some vacant area in the Links territory described in Attachment B of staff's February 17, 2000 memorandum.

APPROVED

Issue 3: Should Lake Suzy Utilities, Inc. be granted a Water Certificate and a Wastewater Certificate for DeSoto and Charlotte Counties?

Recommendation: Yes, Lake Suzy Utilities, Inc. should be granted Water Certificate No. 599-W and Wastewater Certificate No. 514-S for Charlotte and DeSoto Counties to serve the territory described in Attachment C of staff's memorandum.

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(Continued from previous page)

Issue 4: Should the Commission order Lake Suzy Utilities, Inc. to show cause, in writing within twenty-one days, why it should not be fined for providing service without obtaining prior Commission approval, in apparent violation of Section 367.031, Florida Statutes?

Recommendation: No. Show cause proceedings should not be initiated. The Commission should, however, approve a proposed stipulation that requires that Lake Suzy refund all revenues collected from Lot 18 of the Links Subdivision which is located in Charlotte County. Pursuant to the proposed stipulation, in the event that Lake Suzy does not refund all revenues collected from Lot 18, pursuant to Rule 25-30.120, Florida Administrative Code, regulatory assessment fees from those revenues should be paid by Lake Suzy from the date the utility began service in Charlotte County. Lake Suzy should provide the Commission proof of the refund within 30 days of the issuance of the Order.

APPROVED

Issue 5: What rates and charges should be approved for Lake Suzy Utilities, Inc.?

Recommendation: The rates and charges as detailed in the analysis portion of staff's memorandum should be approved. Staff recommends that Lake Suzy be required to continue to charge these rates and charges until authorized to change by the Commission. The tariff should be effective for service rendered or connections made on or after the stamped approval date on the tariff sheets.

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Issue 6: Should these dockets be closed?

Recommendation: No. These dockets should remain open for an additional 60 days following the issuance date of the Commission's Order to allow staff to verify that Lake Suzy has submitted proof of the refunds or payment of regulatory assessment fees pertaining to Lot 18 of the Links subdivision. If no timely protest is received to the proposed agency action issue, upon expiration of the protest period, the order should become final and effective upon the issuance of a consummating order. Once proof of the refunds/regulatory assessment fees has been submitted, the dockets should be closed administratively.

APPROVED