



Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 981258-WS Date Docketed: 10/05/1998 Title: Investigation of water and wastewater rates of Lake Haven Utility Association, Ltd. d/b/a Lakes Wales Utility Co., Ltd. in Polk County for possible overearnings.  
 Company: Lake Wales Utility Co., Ltd. (Lake Haven Utility A

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_ Expiration: \_\_\_\_\_

Referred to: \_\_\_\_\_  
 ("()" indicates OPR)

ADM	AFA	APP	CAF	CMU	EAG	GCL	LEG	RAR	RRR	(WAW)
_____	<u>X</u>	_____	_____	_____	_____	_____	<u>X</u>	_____	_____	<u>X</u>

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A1(e)

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION.**

FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770  
 Current CASR revision level

	<u>Staff Assignments</u>
<u>OPR Staff</u>	<u>E Quijano, T Merchant</u>
_____	_____
_____	_____
<u>Staff Counsel</u>	<u>B Reyes</u>
_____	_____
<u>OCRs (AFA)</u>	<u>D Vandiver</u>
_____	_____
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	0	<u>Due Dates</u>	
		Previous	Current
1. Staff Recommendation - Interim		NONE	10/22/1998
2. Agenda - Interim		NONE	11/03/1998
3. Standard Order - Interim		NONE	11/23/1998
4. Audit Report Due		NONE	12/31/1998
5. Staff Recommendation		NONE	03/18/1999
6. Agenda - Regular		NONE	03/30/1999
7. PAA Order		NONE	04/19/1999
8. Close Docket or Revise CASR		NONE	05/28/1999
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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel \_\_\_\_\_  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with RAR: 10/13/1998

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		
X							

- Prehearing Officer

Commissioners					ADM
JN	DS	CL	GR	JC	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.  
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: \_\_\_\_\_

Date: 10/13/1998



**Case Assignment and Scheduling Record**

**Section 1 - Division of Records and Reporting (RAR) Completes**

Docket No. 981258-WS Date Docketed: 10/05/1998 Title: Investigation of water and wastewater rates of Lake Haven Utility Association, Ltd. d/b/a Lake Wales Utility Co., Ltd. in Polk County for possible overearnings.  
 Company: Lake Wales Utility Co., Ltd. (Lake Haven Utility A

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_ Expiration: \_\_\_\_\_

Referred to: ADM AFA APP CAF CMU EAG GCL LEG RAR RRR (WAW)  
 ("()" indicates OPR) \_\_\_\_\_ X \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ X \_\_\_\_\_ \_\_\_\_\_ X

**Section 2 - OPR Completes and returns to RAR in 10 workdays. Time Schedule**

Program/Module Al(e)

Staff Assignments

OPR Staff E Quijano, T Merchant

Staff Counsel S Cibula

OCRs (AFA) J McPherson, D Vandiver

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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel \_\_\_\_\_  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with RAR: 06/14/1999

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION.**  
**FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**  
 Current CASR revision level

4

	Due Dates	
	Previous	Current
1. Staff Recommendation	06/17/1999	08/05/1999
2. Agenda - Regular	06/29/1999	08/17/1999
3. PAA Order	07/19/1999	09/07/1999
4. Close Docket or Revise CASR	09/03/1999	10/15/1999
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**Section 3 - Chairman Completes**

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	GR	DS	CL	JN	JC		
X							

- Prehearing Officer

Commissioners					ADM
GR	DS	CL	JN	JC	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: \_\_\_\_\_

Date: 06/29/1999

*C*

M E M O R A N D U M

RECEIVED-PPSC

98 NOV 23 PH 1:38

November 23, 1998

RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (REYES) *BLR*

RE: DOCKET NO. 981258-WS - INVESTIGATION OF WATER AND  
WASTEWATER RATES OF LAKE HAVEN UTILITY ASSOCIATION, LTD.  
D/B/A LAKE WALES UTILITY CO., LTD. IN POLK COUNTY FOR  
POSSIBLE OVEREARNINGS.

*1570-FDF-WS*

Attached is an ORDER INITIATING INVESTIGATION INTO WATER AND  
WASTEWATER RATES AND MAKING REVENUES SUBJECT TO REFUND, to be  
issued in the above-referenced docket.

(Number of pages in order - ~~14~~) *13*

BLR/lw

Attachment

cc: Division of Water and Wastewater (Quijano, Merchant)

I:981258OR.BLR

*boxed -  
mailed - 1/0.*

DOCUMENT NO.  
17242-00

STATE OF FLORIDA

Commissioners:  
JOE GARCIA, CHAIRMAN  
J. TERRY DEASON  
SUSAN F. CLARK  
JULIA L. JOHNSON  
E. LEON JACOBS, JR.



DIVISION OF RECORDS & REPORTING  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770

## Public Service Commission

January 6, 1999

David K. Pearce, Manager  
Lake Wales Utility Co., Ltd.  
Post Office Box 9076  
Fedhaven, Florida 33854-9076

Re: Docket No. 981258 - WS - Lake Wales Utility Co., Ltd.  
Audit Report - Overearnings Investigation - Historical Year Ended December 31, 1997  
Audit Control # 98-286-2-1

Dear Mr. Pearce:

The enclosed audit report is forwarded for your review. Any company response filed with this office within ten (10) work days of the above case will be forwarded for consideration by the staff analyst in the preparation of a recommendation for this case.

Thank you for your cooperation.

Sincerely,

  
Blanca S. Bayó

BSB/abf  
Enclosure  
cc: Division of Audit and Financial Analysis

RECEIVED

MAR 11 8 58 AM '99

CORPORATE UNDERTAKING REGISTRATION  
MAIL ROOM



This CORPORATE UNDERTAKING made to be effective this 8<sup>th</sup> day of March, 1999 is being given by LAKE WALES UTILITY CO., LTD. ("Guarantor") with an address at P. O. Box 402279, Miami Beach, Florida 33140 to and for the benefit of FLORIDA PUBLIC SERVICE COMMISSION ("Guarantee") with an address at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

RECITALS:

(A) Lake Wales Utility Co., Ltd. (Lake Wales or utility) is a Class B utility providing water and wastewater service for approximately 84 residential and 15 general service water and wastewater customers in Polk County since 1962. The utility's systems are located in Fedhaven, Florida.

(B) Lake Wales Utility Co., Ltd. (Lake Wales or utility) became subject to the jurisdiction of the Florida Public Service Commission on May 14, 1996. In Order No. PSC-97-0567-FOF-WS, issued May 20, 1997, in Docket No. 961485-WS, the utility was granted grandfather certificates to provide water and wastewater service.

(C) The Florida Public Service Commission had a hearing on November 23, 1998 Docket No.981258-WS.

(D) Pursuant to Order No. PSC-98-1570-FOF-W9 issued November 23, 1998, Lake Wales Utility Co., Ltd. was required to issue this Corporate Undertaking.

AGREEMENT:

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Guarantor hereby agrees as follows:

1. Guarantor unconditionally, absolutely and irrevocably guarantees \$50,844.00 for any potential refund of water and wastewater revenues pursuant to the final ruling on the investigation of water and wastewater rates Docket No. 981258-WS.

IN WITNESS WHEREOF, this guaranty shall be binding as of the date first set forth above.

LAKE WALES UTILITY CO., LTD.

WITNESSES:

Rae Yamada

Eisa Miyazaki

BY:

  
MARK R. RUBIN, Managing General Partner

**MARK R. RUBIN**

*Attorney at Law*

P.O. BOX 402279  
777 ARTHUR GODFREY ROAD  
MIAMI BEACH, FLORIDA 33140

(305) 538-4314  
FAX (305) 538-0670

March 25, 1999

Trish Merchant  
Florida Public Service Commission  
Room 170M, Gerald L. Gunter Building  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**RECEIVED**

**MAR 29 1999**

Florida Public Service Commission  
Division of Water and Wastewater

Dear Ms. Merchant:

This letter is intended to supply you with the information regarding the management of Lake Wales Utility Co. Ltd. The active members of the Management Company are Mark Rubin, Robert Andrews, Charles DiGiovanna and Richard Dooley. Elisa Misrahi is Mark Rubin's Administrative Assistant. Rae Yamali is the Comptroller and Bookkeeper. Dwight Reeves is the Certified Public Accountant for Lake Wales Utility Management.

The management's role can be divided into four major parts:

1. Personnel Policy and Staffing

This would include all issues regarding hiring and termination. All salaries and bonuses are determined by management. Staffing requirements and contract labor. Review of all personnel. Responsibility for hiring outside contractors vs. in-house staff.

2. Day-to-Day Operations

This would consist of general review and discussions of day to day activities. Most often this is done via telephone. David Pearce, the on-site Manager, would report to Mark Rubin. Discussions would include maintenance issues, mechanical breakdowns, condition of the physical plant. Included in this category are on-site inspections. Most on-site inspections are for the purpose of determining the physical condition of the plant and machinery and making sure the customer is receiving good service. Also included would be review, discussions, bidding and executing all insurance policies.

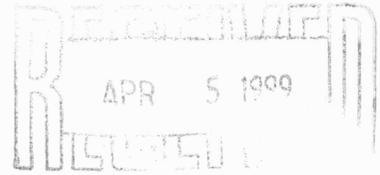
**MARK R. RUBIN**

*Attorney at Law*

P.O. BOX 402279  
777 ARTHUR GODFREY ROAD  
MIAMI BEACH, FLORIDA 33140

(305) 538-4314  
FAX (305) 538-0670

Florida Public Service Commission



March 22, 1999

Samantha McRae  
Staff Counsel  
State of Florida Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

RE: Docket No. 981258-WS-Investigation of water and wastewater rates of Lake Haven Utility Associates, Ltd. d/b/a Lake Wales Utility Co., Ltd. in Polk County for possible overearnings.

Dear Ms. McRae:

Pursuant to our meeting this letter shall waive the Public Service Commission statutory limitations of fifteen (15) months for the review and final determination regarding the financial statements of the Lake Wales Utility Co.

Sincerely,

Mark R. Rubin  
MRR/em

# LAKE WALES UTILITY CO.

P.O. Box 9076 • Lakeshore, Florida 33854 • (941) 696-1128 • Fax (941) 696-3502 • e-mail: lwuco@gte.net

May 21, 1999

Elda Quijano  
Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: Revenue Report

Dear Mrs. Quijano:

Pursuant to PSC Order No. PSC-98-1570-FOF-WS the following is Submitted:

December 1998

Metered Residential Water	\$8449.10
Metered Commercial Water	\$2293.91
Flat Rate Residential Waste	\$14372.24
Measured Commercial Waste	\$2271.69

Total \$27386.94

January 1999

Metered Residential Water	\$8236.70
Metered Commercial Water	\$2305.87
Flat Rate Residential Waste	\$14221.43
Measured Commercial Waste	\$2224.96

Total \$26988.96

February 1999

Metered Residential Water	\$8281.08
Metered Commercial Water	\$2308.33
Flat Rate Residential Waste	\$14441.55
Measured Commercial Waste	\$2346.06

Total \$27377.02

March 1999

Metered Residential Water	\$8228.46
Metered Commercial Water	\$2463.07
Flat Rate Residential Waste	\$14220.36
Measured Commercial Waste	\$2539.66

Total	\$27451.55
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April 1999

Metered Residential Water	\$8412.97
Metered Commercial Water	\$2582.14
Flat Rate Residential Waste	\$14328.14
Measured Commercial Waste	\$2628.35

Total	\$27951.60
-------	------------

Should any question/comment arise please feel free to contact me  
At (941) 696-1128.

Sincerely,

*David K. Pearce*

David K. Pearce  
Manager

Cc: file

STATE OF FLORIDA

Commissioners:  
JOE GARCIA, CHAIRMAN  
J. TERRY DEASON  
SUSAN F. CLARK  
JULIA L. JOHNSON  
E. LEON JACOBS, JR.



DIVISION OF LEGAL SERVICES  
NOREEN S. DAVIS  
DIRECTOR  
(850) 413-6199

## Public Service Commission

August 5, 1999

Lake Wales Utility Co., Ltd.  
Post Office Box 9076  
Fedhaven, Florida 33854-9076

RECEIVED-PPSC  
99 AUG -5 PM 3:32  
RECORDS AND  
REPORTING

Re: Docket No. 981258-WS - Investigation of water and wastewater rates of Lake Haven Utility Association, Ltd. d/b/a Lake Wales Utility Co., Ltd. in Polk County for possible overearnings.

To Whom it May Concern:

Enclosed is a copy of the Staff Recommendation filed in this matter on August 5, 1999. The Commission is expected to consider this Recommendation at its August 17, 1999, Agenda Conference which will be held in Room 148, Betty Easley Conference Center, in Tallahassee beginning at 9:30 a.m.

If you wish to attend, please arrive promptly at the beginning of the Agenda Conference, as we cannot state the exact time at which this item will be heard. You are welcome to come to this Agenda Conference and observe and/or participate in the discussion of this item. If you have any questions, please feel free to call me at (850) 413-6199.

Sincerely,

Handwritten signature of Samantha M. Cibula.  
Samantha Cibula  
Staff Attorney

SMC/lw

Enclosure

cc: Division of Water and Wastewater (Quijano, Merchant)  
Division of Records and Reporting

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

An Affirmative Action/Equal Opportunity Employer

PSC Website: [www.scri.net/psc](http://www.scri.net/psc)

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

STATE OF FLORIDA

Commissioners:  
JOE GARCIA, CHAIRMAN  
J. TERRY DEASON  
SUSAN F. CLARK  
JULIA L. JOHNSON  
E. LEON JACOBS, JR.



DIVISION OF LEGAL SERVICES  
NOREEN S. DAVIS  
DIRECTOR  
(850) 413-6199

## Public Service Commission

August 5, 1999

Mark Rubin, Esquire  
Post Office Box 402279  
Miami Beach, Florida 33140

Re: Docket No. 950495-WS - Investigation of water and wastewater rates of Lake Haven Utility Association, Ltd. d/b/a Lake Wales Utility Co., Ltd. in Polk County for possible overearnings.

Dear Mr. Rubin:

Enclosed is a copy of the Staff Recommendation filed in this matter on August 5, 1999. The Commission is expected to consider this Recommendation at its August 17, 1999, Agenda Conference which will be held in Room 148, Betty Easley Conference Center, in Tallahassee beginning at 9:30 a.m.

If you wish to attend, please arrive promptly at the beginning of the Agenda Conference, as we cannot state the exact time at which this item will be heard. You are welcome to come to this Agenda Conference and observe. You are welcome to come to this Agenda Conference and observe and/or participate in the discussion of this item. If you have any questions, please feel free to call me at (850) 413-6199.

Sincerely,

A handwritten signature in cursive script that reads "Samantha M. Cibula".

Samantha Cibula  
Staff Attorney

SMC/lw

Enclosure

cc: Division of Water and Wastewater (Quijano, Merchant)  
Division of Records and Reporting

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FPSC-RECORDS/REPORTING

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DOCUMENT NUMBER-DATE  
99 SEP -7 PM 12:43

M E M O R A N D U M

September 7, 1999

RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CIBULA) *sm.c. [signature]*

RE: DOCKET NO. 981258-WS - INVESTIGATION OF WATER AND WASTEWATER RATES OF LAKE HAVEN UTILITY ASSOCIATION, LTD. D/B/A LAKE WALES UTILITY CO., LTD. IN POLK COUNTY FOR POSSIBLE OVEREARNINGS.

*99-1742-*

Attached is an NOTICE OF PROPOSED AGENCY ACTION ORDER ACCEPTING OFFER OF SETTLEMENT, to be issued in the above-referenced docket.

(Number of pages in order - 22)

**ATTACHMENT(S) NOT ON-LINE**

SMC/lw

Attachment

cc: Division of Water and Wastewater (Quijano, Merchant)

I:981258OR.SMC

*2 mailers  
RAR*

M E M O R A N D U M

September 29, 1999

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99 OCT - 1 PM 1:41  
RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING  
FROM: DIVISION OF LEGAL SERVICES (CIBULA) *S.M.C.*  
RE: DOCKET NO. 981258-WS - INVESTIGATION OF WATER AND WASTEWATER RATES OF LAKE HAVEN UTILITY ASSOCIATION, LTD. D/B/A LAKE WALES UTILITY CO., LTD. IN POLK COUNTY FOR POSSIBLE OVEREARNINGS.

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Attached is a CONSUMMATING ORDER, to be issued in the above-referenced docket.

(Number of pages in order - 2)

SMC/lw

Attachment

cc: Division of Water and Wastewater (Quijano, Merchant)

I:981258 CO.SMC

*2/0 -*