

VOTE SHEET

FEBRUARY 6, 2001

RE: DOCKET NO. 991889-WS - Application for transfer of Certificates Nos. 525-W and 454-S in Highlands County from Crystal Lake Club to CWS Communities LP d/b/a Crystal Lake Club.

Issue 1: Should Crystal Lake Club be ordered to show cause, in writing within 21 days, why it should not be fined for its failure to obtain Commission approval prior to transferring its facilities to CWS, in apparent violation of Section 367.071, Florida Statutes?

Recommendation: No. A show cause proceeding should not be initiated, but the utility should be placed on notice that it is expected to know and comply with the Commission's rules and regulations.

**APPROVED** - *As modified by staff at agenda*

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Michael A. Palumbo*  
*[Signature]*  
*[Signature]*  
*[Signature]*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE  
01777 FEB-76  
FPSC-RECORDS/REPORTING

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Issue 2: Should Crystal Lake be ordered to show cause, in writing within 21 days, why it should not be fined up to \$5,000 per day for failure to maintain its accounts and records in conformance with the National Association of Regulatory Utility Commissioners (NARUC) Uniform System of Accounts (USOA), and for failure to maintain its books and records in-state, in apparent violation of Rules 25-30.115(1) and 25-30.110(1)(b), Florida Administrative Code, respectively?

Recommendation: No. Crystal Lake should not be ordered to show cause at this time. However, the utility should be ordered to maintain its books and records in conformance with the 1996 NARUC USOA. The utility should also be ordered to maintain its books and records in-state or request the requisite authorization from the Commission to continue to maintain them out-of-state. The utility should be ordered to submit a statement with its 2000 Annual Report from its accountant by March 31, 2001, stating that its books and records are in conformance with the 1996 NARUC USOA and indicating that its books and records are being maintained in-state or requesting authorization to maintain them out-of-state.

**APPROVED**

Issue 3: Should the transfer of Certificates Nos. 525-W and 454-S from Crystal Lake Community, Limited Partnership; Diamond Valley Associates, Ltd.; Friendly Village, Lancaster Associates, Ltd. d/b/a Crystal Lake Club to CWS Communities LP d/b/a Crystal Lake Club be approved?

Recommendation: Yes, the transfer of Certificates Nos. 525-W and 454-S from Crystal Lake Community, Limited Partnership; Diamond Valley Associates, Ltd.; Friendly Village, Lancaster Associates, Ltd. d/b/a Crystal Lake Club to CWS Communities LP d/b/a Crystal Lake Club should be approved. A description of the territory being transferred is appended to staff's memorandum dated January 25, 2001, as Attachment A.

**APPROVED**

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Issue 4: What is the rate base of Crystal Lake at the time of transfer?

Recommendation: The rate bases, which for transfer purposes reflect the net book value, are \$161,702 for the water system and \$223,687 for the wastewater system as of August 30, 1999.

**APPROVED**

Issue 5: Should an acquisition adjustment be approved?

Recommendation: No. An acquisition adjustment was not requested. Moreover, an acquisition adjustment cannot be determined at this time.

**APPROVED**

Issue 6: Should the rates and charges approved for this utility be continued?

Recommendation: Yes. CWS should continue charging the rates and charges approved for this utility system until authorized to change by the Commission in a subsequent proceeding. The tariff reflecting the change in ownership should be effective for services provided or connections made on or after the stamped approval date on the tariff sheets.

**APPROVED**

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Issue 7: Should this docket be closed?

Recommendation: Yes. If no timely protest is received to the proposed agency action issues, the Order should become final and effective upon the issuance of a Consummating Order and the docket should be closed.

**APPROVED**