

VOTE SHEET

APRIL 3, 2001

RE: DOCKET NO. 001049-WU - Application for original water certificate in Charlotte County by Little Gasparilla Water Utility, Inc.

ISSUE 1: Should Gasparilla be ordered to show cause, in writing within 21 days, why it should not be fined for operating without a certificate in apparent violation of Section 367.031, Florida Statutes, and Order No. PSC-96-0460-FOF-WS?

RECOMMENDATION: No. Show cause proceedings should not be initiated. However, the utility should be put on notice that it may not sell, assign, or transfer its certificate of authorization, facilities or any portion thereof, or majority organizational control without prior Commission approval unless the contract for sale, assignment, or transfer is made contingent upon Commission approval, pursuant to 367.071, Florida Statutes.

**APPROVED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Richard A. Polach*  
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*Mark ...*  
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

04159 APR-46

FPSC-RECORDS/REPORTING

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ISSUE 2: Should Gasparilla be ordered to show cause, in writing within 21 days, why it should not be fined for failure to file its 1999 annual report in apparent violation of Rule 25-30.110, Florida Administrative Code?

RECOMMENDATION: No. Show cause proceedings should not be initiated at this time. Staff further recommends that the penalties set forth in Rule 25-30.110(7), Florida Administrative Code, should not be assessed. However, Gasparilla should be required to file its 1999 annual report by June 1, 2001. If Gasparilla fails to do so, staff will bring a show cause recommendation at that time. Moreover, the utility should be put on notice that penalties, if assessed, continue to accrue until such time as the annual report is filed and that the annual report must comply with Rule 25-30.110, Florida Administrative Code, including compliance with the National Association of Regulatory Utility Commissioners Uniform System of Accounts (NARUC USOA), which requires the use of original costs to report the cost of the utility's assets when it was first dedicated to public service. Additionally, the utility should be put on notice its 2000 annual report is due on March 31, 2001, unless a written request for an extension of time is filed by that date.

**APPROVED**

ISSUE 3: Should Gasparilla be ordered to show cause, in writing within 21 days, why it should not be fined for failure to timely pay RAFs for 1999, in apparent violation of Sections 350.113(3)(e) and 367.145, Florida Statutes, and Rule 25-30.120(1), Florida Administrative Code?

RECOMMENDATION: No. Show cause proceedings should not be initiated at this time. However, Gasparilla should be required to remit RAFs in the amount of \$4,327.87 for 1999 by June 1, 2001, along with a statutory penalty in the amount of \$1,081.97 and \$649.18 in interest, for its failure to timely pay its 1999 RAFs. If Gasparilla fails to do so, staff will bring a show cause recommendation at that time. In addition, the utility should be put on notice that interest continues to accrue until such time as the 1999 RAFs are remitted and that the utility's 2000 RAFs are due on March 31, 2001.

**APPROVED**

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ISSUE 4: Should Gasparilla's application for an original water certificate be granted?

RECOMMENDATION: Yes. Gasparilla should be granted Water Certificate No. 615-W to serve the territory described in Attachment A of staff's March 22, 2001 memorandum.

**APPROVED**

ISSUE 5: What rates and charges should be approved for Gasparilla?

RECOMMENDATION: The utility's existing rates and charges and the proposed meter test deposits and miscellaneous service charges for Gasparilla should be approved as the original tariff rates, until authorized to change in a subsequent proceeding. The effective date of the utility's rates and charges should be the stamped approval date on the tariff sheet.

**APPROVED**

ISSUE 6: Should the docket be closed?

RECOMMENDATION: No. This docket should remain open in order for staff to verify that the utility has filed its 1999 annual report and remitted its 1999 RAFs, including penalties and interest. If the annual report is so filed and RAFs, penalties, and interest are so remitted, this docket should be closed administratively.

**APPROVED**