

VOTE SHEET

APRIL 3, 2001

RE: DOCKET NO. 950387-SU - Application for a rate increase for North Ft. Myers Division in Lee County by Florida Cities Water Company - Lee County Division.

ISSUE 1: Should FCWC's request for oral argument on its Motion to Approve Refund Methodology be granted?

RECOMMENDATION: Yes. Because of the unusual circumstances surrounding this refund proceeding, the subsequent sale of the utility, and the delay brought about by the appeal of the Final Order on Remand, staff believes that oral argument would aid the Commission in comprehending and evaluating the issues before it. Therefore, staff recommends that the utility's request for oral argument should be granted. Pursuant to Rule 25-22.058(2), Florida Administrative Code, oral argument should be limited to ~~15~~ minutes for each party.

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**MODIFIED**

*Approved with noted modification*

COMMISSIONERS ASSIGNED: DS BZ PL

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Michael A. Palerli*  
*[Signature]*  
*[Signature]*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

04166 APR-40

FPSC-RECORDS/REPORTING

VOIE SHEET

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ISSUE 2: Should FCWC's Motion to Approve Refund Methodology be granted?

RECOMMENDATION: FCWC's Motion to Approve Refund Methodology should be granted in part and denied in part. The refunds should be made on a per customer basis as set forth in Rule 25-30.360(3), Florida Administrative Code. However, the utility's request to compute the refunds using a multiplier of 10.6% should be denied, and the refund multipliers and periods should be as directed in the Final Order on Remand. Refund checks should be mailed to the last known address of customers due a refund that were on the system as of November 13, 1999, which is approximately eighteen months prior to the date that refund checks are required to be mailed. The utility should complete the initial mailing of the refund checks to customers within 30 days of the issuance date of the Order. Moreover, the noticing requirements should be as set forth in the body of the recommendation. The noticing requirements should be completed within 45 days of the issuance date of the Order. Checks should be issued to former customers that respond to the noticing requirements within 10 days of receiving verification that the customer deserves a refund. Based upon changed circumstances, the Commission should recede from its prior decision made in the Final Order on Remand which requires all unclaimed refunds to be treated as cash CIAC, and the utility's request to treat any unclaimed refunds as cash CIAC should be denied. FCWC's proposal to calculate interest pursuant to Rule 25-30.360(4), Florida Administrative Code, and to submit refund reports pursuant to the requirements of Rule 25-30.360(7), Florida Administrative Code, should be approved. The utility's request to offset the costs of the refund against any unclaimed refunds should be denied. All unclaimed refunds after 180 days of the issuance date of the order should be remitted to the State of Florida Comptroller's Office.

**APPROVED**

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ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open in order for the utility to complete the refund, and submit the refund reports, and for Commission staff's verification that the refund is complete and that any unclaimed refunds have been remitted to the State of Florida's Office of Comptroller within 180 days of the date of the order, as set forth in Issue 2. Staff should be allowed to close the docket administratively upon completion of the above.

**APPROVED**