

VOTE SHEET

MAY 29, 2001

RE: DOCKET NO. 980992-WS - Complaint by D.R. Horton Custom Homes, Inc. against Southlake Utilities, Inc. in Lake County regarding collection of certain AFPI charges.

DOCKET NO. 981609-WS - Emergency petition by D.R. Horton Custom Homes, Inc. to eliminate authority of Southlake Utilities, Inc. to collect service availability charges and AFPI charges in Lake County.

ISSUE 1: Should the parties' Joint Motion for Approval and Adoption of Settlement Agreement be granted?

RECOMMENDATION: Yes. The Joint Motion for Approval and Adoption of Settlement Agreement should be granted and the Settlement Agreement (Agreement) should be approved in its entirety. The Agreement states that if the Commission does not approve Southlake's Application for Transfer of Majority Organizational Control (Transfer Application) filed in Docket No. 010507-WS, the Agreement will become null and void. The effective date for the Agreement should be the last to occur of the following: (1) the date of expiration of all protests and appeals of the Commission Order approving the Agreement; and (2) the date of the expiration of all protests and appeals of the Commission Order approving the Transfer Application. Pursuant to the terms of the Agreement, the amount of the AFPI refunds should be set as of the effective date, and interest on the AFPI refunds should commence accruing 30 days after the effective date. The rate of the

COMMISSIONERS ASSIGNED: JC DS PL

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Michael A. Pallesi
~~_____~~
~~_____~~
~~_____~~
J. Terry Deas

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

06707 MAY 30 5

FPSC-RECORDS/REPORTING

VOTE SHEET

MAY 29, 2001

DOCKET NO. 980992-WS - Complaint by D.R. Horton Custom Homes, Inc. against Southlake Utilities, Inc. in Lake County regarding collection of certain AFPI charges.

DOCKET NO. 981609-WS - Emergency petition by D.R. Horton Custom Homes, Inc. to eliminate authority of Southlake Utilities, Inc. to collect service availability charges and AFPI charges in Lake County.

(Continued from previous page)

interest should be as set forth in Rule 25-30.360, Florida Administrative Code. Southlake should provide the refunds in exchange for and conditioned upon receipt of releases within 90 days of the effective date. Moreover, consistent with the final approval of the Agreement, Southlake's water and wastewater AFPI Tariff Sheets Nos. 39 and 36 should be canceled. The appropriate prospective water plant capacity charge should be \$433 per residential equivalent residential connection (ERC) with a 1.24 per gallon charge for all others, and the appropriate prospective wastewater plant capacity charge should be \$970 per residential ERC with a \$3.23 per gallon charge for all others. The utility's water Tariff Sheet No. 31.0 and wastewater Tariff Sheet No. 28.0 should be revised as discussed in the analysis portion of staff's May 17, 2001 memorandum. The utility should file the appropriate revised tariff sheets within 10 days of the effective date of the Agreement. Staff should be given administrative authority to approve the revised tariff sheets upon staff's verification that the tariff is consistent with the Commission's decision. If the revised tariff sheets are filed and approved, the tariff sheets should become effective on or after the stamped approval date. Within 20 days of the Commission's decision made at the agenda conference, the utility should provide notice of the Commission's decision to all persons in the service area who are affected by the prospective water and wastewater plant capacity charges, the Commission's decision on the refunds, and the discontinuance of Southlake's AFPI charges. The notice should be approved by Commission staff prior to distribution. The utility should provide proof that the appropriate customers or developers have received notice within ten days of the date of the notice.

APPROVED

VOTE SHEET

MAY 29, 2001

DOCKET NO. 980992-WS - Complaint by D.R. Horton Custom Homes, Inc. against Southlake Utilities, Inc. in Lake County regarding collection of certain AFPI charges.

DOCKET NO. 981609-WS - Emergency petition by D.R. Horton Custom Homes, Inc. to eliminate authority of Southlake Utilities, Inc. to collect service availability charges and AFPI charges in Lake County.

(Continued from previous page)

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: No. These dockets should remain open pending the Commission's decision in Docket No. 010507-WS, concerning Southlake's Transfer Application. Provided the Transfer Application is approved, staff will verify that Southlake has filed revised tariff sheets consistent with the Commission's decision and that the utility has made the proper refunds of AFPI charges. Upon expiration of the protest period, if no timely protest is received, the Order should become final and effective upon the issuance of a Consummating Order. Provided the Transfer Application is approved, upon staff's verification that the utility's revised tariff is consistent with the Commission's decision and that the proper refunds have been made, these dockets should be closed administratively.

APPROVED