

VOTE SHEET

JUNE 25, 2001

RE: DOCKET NO. 000545-WS - Application for original certificates to operate a water and wastewater utility in Pasco County by Labrador Services, Inc.

ISSUE 1: Should the Commission order the utility to show cause, in writing within 21 days, why it should not be fined for operating water and wastewater utilities without certificates of authorization in apparent violation of Chapter 367.031, Florida Statutes?

RECOMMENDATION: No. Show cause proceedings should not be initiated.

**APPROVED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Richard A. Palush*  
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*Mark R. ...*  
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE  
 07879 JUN 26 2001  
 FPSC-RECORDS/REPORTING

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ISSUE 2: Should the application of Labrador Services, Inc. for water and wastewater certificates be granted?

RECOMMENDATION: Yes. Labrador should be granted Certificate No. 616-W and Certificate No. 530-S to serve the territory described in Attachment A of staff's memorandum dated June 13, 2001.

**APPROVED**

ISSUE 3: What rates and charges should be approved for Labrador Services, Inc.?

RECOMMENDATION: The utility's existing flat rates for water and wastewater service for the MH Park and the RV Resort should be approved based on the allocation set forth in the staff analysis portion of staff's recommendation until the utility's first rate proceeding. The utility should be put on notice that, at the time of its next rate proceeding, all meters will be required to be installed and in compliance with Part III, Rule 25-30, Florida Administrative Code, and appropriate base facility charges and usage rates will be established by the Commission. The utility should also be allowed to charge the standard miscellaneous charges specified in staff's analysis. Customer deposits and service availability charges should not be authorized at this time. The utility should be required to perform regular billing or file for a waiver of Rule 25-30.335(1), Florida Administrative Code, within 60 days from the date of the order resulting from this recommendation. The utility has filed proposed water and wastewater tariffs. The effective date of the utility's rates and charges should be the stamped approval date of the tariff sheets, pursuant to Rule 25-30.475, Florida Administrative Code.

**APPROVED**

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ISSUE 4: Should Labrador be ordered to show cause, in writing within 21 days, why it should not be fined for failure to file its 2000 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, Labrador should be required to file its 2000 annual report by October 1, 2001. If Labrador 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.

**APPROVED**

ISSUE 5: Should Labrador be ordered to show cause, in writing within 21 days, why it should not be fined for failure to timely pay RAFs for 2000, 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, Labrador should be required to remit RAFs in the amount of \$8,721.00 for 2000 by October 1, 2001, along with a statutory penalty in the amount of \$2,180.25 and \$610.47 in interest, for its failure to timely pay its 2000 RAFs. If Labrador 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 2000 RAFs are remitted.

**APPROVED**

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ISSUE 6: Should the Commission acknowledge the Co-op's withdrawal of its March 15, 2001, complaint against Labrador for apparent violation of Rule 25-30.355(1), Florida Administrative Code?

RECOMMENDATION: Yes.

# APPROVED

ISSUE 7: Should this docket be closed?

RECOMMENDATION: No. If no timely protest is received to the proposed agency action issue, upon the expiration of the protest period a Consummating Order should be issued. The docket should remain open pending receipt of the utility's 2000 annual report and 2000 RAFs including penalties and interest. Upon receipt and verification of the annual report and RAFs, the docket should be administratively closed.

# APPROVED

*Recommendations were approved with statements of clarification made by staff at conference.*