

VOTE SHEET

SEPTEMBER 4, 2001

RE: Docket No. 991666-WU - Application for amendment of Certificate No. 106-W to add territory in Lake County by Florida Water Services Corporation.

ISSUE 1: Should Mr. Tillman and Mr. Mittauer be tendered as expert witnesses, and if so, in what areas?

RECOMMENDATION: Staff recommends that the Commission accept Mr. Tillman as an expert in the area of water and wastewater utility management. In Commission practice, a witness's professional and educational qualifications are set forth in his or her prefiled testimony and are accepted unless that witness's expertise is challenged. Thus, the City's additional proffer at the hearing that Mr. Mittauer be accepted as an expert in the field of engineering is unnecessary since his engineering expertise was not challenged. It is clear that based on his education and experience, Mr. Mittauer is a water and wastewater utility engineering expert.

APPROVED

COMMISSIONERS ASSIGNED: Jaber, Baez, Palecki

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Michael A. Palecki

[Signature]

[Signature]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE
10988 SEP-4 01
FPSC-COMMISSION CLERK

VOTE SHEET

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(Continued from previous page)

ISSUE 2: Should the City's Motion to Strike those portions of Mr. Tillman's testimony and exhibits identified at the July 11th hearing be granted?

RECOMMENDATION: No. The City's Motion to Strike certain portions of Mr. Tillman's testimony should be denied in its entirety.

APPROVED

ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open pending the final resolution of the merits of this matter.

APPROVED

ATTACHMENT A

Testimony

Page 146 Lines 4-6

This testimony "should be rewritten to reflect that I am adopting the prefiled testimony previously submitted by Charles Sweat." [T. 134] The transcript does not reflect this correction. The language that is currently in the transcript should be stricken as inconsistent with Commissioner Jaber's ruling to insert the testimony of Mr. Tillman into the record as modified. [T. 141]

Page 147 Lines 8-13

This testimony "should be changed to reflect that I have been an officer of Florida Water for approximately three years." The transcript does not reflect this correction with regards to lines 8-10 since Mr. Tillman also has only been employed by Florida Water for a period of three years. [T. 180] In order to correct the testimony per Mr. Tillman's modifications, and Commissioner Jaber's ruling, Page 147, line 10 should read "Approximately 3 years." [T. 141]

Page 150 Lines 3-9

Strike from line 3 starting at "at" through line 9 which contain rated well capacities, permitted plant capacities and average daily flow calculations all of which are expert opinions.

Page 152 Lines 2-6

Strike from "In" on line 2 through line 6 which contain expert opinions regarding the capacity of the Palisades water plant.

Page 154 Lines 7-12
Lines 16-18

Strike from line 7 through line 13 ending at "day"; strike line 16 through line 18. This section is expert opinion as to the average daily flow of the plant and its permitted capacity and the ability of FWSC to provide adequate service to the requested territory.

Page 157 Lines 15-16

Strike from line 15 "capabilities and resources" and "excellent and"; strike from line 16 "reliable" since these are based on engineering expertise Mr. Tillman does not possess.

Page 158 Lines 3-6 Strike from line 3 "in" through line 6
Lines 11-12 plans."; strike from line 11 "in" through
line 12 "manner." Expert opinion
testimony.

Page 164 Lines 11-14 Strike from line 11 "The" through line 14
"property." Expert opinion testimony.

Page 165 Lines 18-25 Strike from line 18 through line 25;
expert opinion regarding FWSC's capacity
and the plant additions or improvements
needed to provide service to Summit.

Page 167 Lines 11-24 Strike from line 11 "The" through line
Page 168 Lines 1-2 24 on page 167; strike from line 1
through line 2 on page 168. Expert
opinion as to the average consumption per
month and conclusions to be drawn from
that opinion.

Page 171 Line 4-9 Strike from line 4 "(2)" through line 9.
This testimony contains expert opinions
as to the ability of FWSC to provide
wastewater service and the City's lack of
ability to do so.

Page 172 Line 5-25 Expert opinion testimony regarding
ability of FWSC and City to provide
wastewater service.

Page 173 Line 1-18 Expert opinion testimony regarding cost
of providing wastewater services by FWSC
and City.

Exhibits

Composite Exhibit 5
Application for Amendment of Certificate No. 106-W (CLS-1)

Exhibit D
Page 000010

Strike the entire second and third
paragraphs on this exhibit starting with
"The existing water treatment plant".
This material is expert opinion with
regard to the rated capacities of the
Palisades plant, estimated water demand
and types of improvements needed to
provide service.

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