

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

MAY 21, 2002

RE: Docket No. 020413-SU - Initiation of show cause proceedings against Aloha Utilities, Inc. in Pasco County for failure to charge approved service availability charges, in violation of Order No. PSC-01-0326-FOF-SU and Section 367.091, Florida Statutes.

ISSUE 1: Should Aloha be authorized to backbill customers for the approved service availability charges that it should have collected for connections made between May 23, 2001 and April 16, 2002, and, if not, should any such backbilled amounts collected be refunded, with interest?

RECOMMENDATION: Aloha should not be authorized to backbill customers for the approved service availability charges that it should have collected for connections made between May 23, 2001 and April 16, 2002. Aloha should be required to refund any such backbilled amounts received and any increased service availability charges collected prior to April 16, 2002, calculated with interest in accordance with Rule 25-30.360, Florida Administrative Code. The amount of interest should be based on the thirty-day commercial paper rate for the appropriate time period. The refund should be made within 30 days of the effective date of the final order in this docket and

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

Deferred

DOCUMENT NUMBER-DATE

05417 MAY 22 08

FPSC-COMMISSION CLERK

VOTE SHEET

MAY 21, 2002

Docket No. 020413-SU - Initiation of show cause proceedings against Aloha Utilities, Inc. in Pasco County for failure to charge approved service availability charges, in violation of Order No. PSC-01-0326-FOF-SU and Section 367.091, Florida Statutes.

(Continued from previous page)

the utility should be required to file refund reports consistent with Rule 25-30.360, Florida Administrative Code. With respect to persons who prepaid the erroneous charge in order to reserve capacity but who did not connect to Aloha's system prior to April 16, 2002, Aloha should charge its approved \$1,650 service availability charge.

DEFERRED

ISSUE 2: Should Aloha be required to file a replacement tariff sheet reflecting its approved service availability charges, to be stamped effective for connections made on or after April 16, 2002?

RECOMMENDATION: Yes. Aloha should be required to file a replacement tariff sheet within 10 days of the effective date of the order arising from this recommendation reflecting its approved service availability charges. The tariff sheet should be stamped effective for connections made on or after April 16, 2002. However, no developer should be billed until such time as proper notice has been provided to the developer. Aloha should also be required to provide notice of the Commission's order arising from this recommendation to all developers to whom it has sent a backbilling letter and to any persons who have either requested service or inquired about service with the utility in the past 12 months. Aloha should submit the proposed notice for staff's administrative approval within 10 days of the effective date of the order.

VOTE SHEET

MAY 21, 2002

Docket No. 020413-SU - Initiation of show cause proceedings against Aloha Utilities, Inc. in Pasco County for failure to charge approved service availability charges, in violation of Order No. PSC-01-0326-FOF-SU and Section 367.091, Florida Statutes.

(Continued from previous page)

ISSUE 3: Should this docket be closed?

RECOMMENDATION: The docket should remain open to allow staff to file another recommendation to address Aloha's failure to timely collect the increased service availability charges and to address whether the utility should be ordered to show cause, in writing within 21 days, why it should not be fined for failure to charge its approved service availability charges and to timely file a revised tariff sheet reflecting those charges, in apparent violation of Order No. PSC-01-0326-FOF-SU and Section 367.091, Florida Statutes.