

VOTE SHEET

SEPTEMBER 3, 2002

RE: Docket No. 020331-SU - Investigation into alleged improper billing by Sanibel Bayous Utility Corporation in Lee County in violation of Section 367.091(4), Florida Statutes.

ISSUE 1: Should the Commission approve the proposed resolution offered by Sanibel Bayous Utility Corporation?

RECOMMENDATION: Yes. The proposed resolution should be approved with the following modifications: (1) The proposed rates, as shown in the analysis portion of staff's August 22, 2002 memorandum, should be approved temporarily; (2) the utility should file revised tariff sheets within 20 days of the date of the Consummating Order in this docket to reflect the Commission-approved rates; staff should be given administrative authority to approve the tariff sheets upon staff verification that the tariffs are consistent with the Commission's decision; (3) the utility should hold the difference between the proposed temporary rates and the current tariff rates (\$14 - \$12 = \$2; \$12 - \$10 = \$2) subject to refund, pursuant to Rule 25.30-360, Florida Administrative Code, during the pendency of the SARC in Docket No. 020439-SU; (4) Pursuant to Rule 25-30.360(6), Florida

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the majority column]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

09272 SEP-3 02

FPSC-COMMISSION CLERK

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Administrative Code, the utility shall provide a report by the 20th day of each month indicating the monthly and total revenue collected subject to refund; and (5) the amount of any additional refunds and the appropriate disposition and amount of CIAC should be determined in the SARC.

APPROVED

ISSUE 2: Should the utility be required to provide security for money being collected subject to refund?

RECOMMENDATION: Yes. The utility should be required to file a bond, letter of credit or escrow agreement to guarantee any potential refunds of wastewater revenues collected under temporary rates. The letter of credit or bond should be in the amount of \$4,283. In lieu of a letter of credit or bond, SBUC may obtain an escrow agreement which requires the utility to deposit the amount of revenue subject to refund within seven days of receipt, until completion of the rate case.

APPROVED

ISSUE 3: Should SBUC be ordered to show cause, in writing, within 21 days, why it should not be fined for collecting charges not approved by the Commission, in apparent violation of Section 367.091(4), Florida Statutes?

RECOMMENDATION: Show cause proceedings should not be initiated at this time. Staff cannot make a determination as to the appropriateness of a show cause proceeding at this time. A recommendation will be made in SBUC's upcoming SARC in Docket No. 020439-SU.

MODIFIED

*Approved with understanding
strong language will be given to
company that show cause proceedings
will be initiated if company does
not comply with directive concerning charges collected
and does not provide information requested by
auditors for SARC.*

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ISSUE 4: Should this docket be consolidated with Docket No. 020439-SU, Sanibel Bayous Utility Corporation's staff- assisted rate case?

RECOMMENDATION: Yes. Docket No. 020331-SU should be consolidated with Docket No. 020439-SU.

APPROVED

ISSUE 5: Should this docket be closed?

RECOMMENDATION: No. In Issue 4, staff is recommending that this docket be consolidated with Docket No. 020439-SU. If the Commission denies consolidation, this docket should remain open to verify that the refund has been made to SBUC customers and also to address any show cause proceeding.

APPROVED