

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

FEBRUARY 18, 2003

RE: Docket No. 010869-WS - Application for staff-assisted rate case in Marion County by East Marion Sanitary Systems, Inc.

ISSUE 1: Should East Marion's rates be reduced to remove the rate impact of the fence replacements not completed by the utility?

RECOMMENDATION: Yes. Water rates should be reduced by 0.58% (\$126) annually and wastewater rates should be reduced by 4.47% (\$1,248) annually. The utility should file revised tariff sheets and a proposed customer notice to reflect the Commission-approved rates within seven days of the date of the consummating order. The approved rates should be effective for service rendered on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475(1), Florida Administrative Code. The appropriate water and wastewater rates are reflected on Schedule A of staff's February 6, 2003 memorandum.

**DENIED**

*The Commission recognized the outstanding order for fence replacement and requires the utility to comply within 90 days. Additionally, revenues are held subject to refund on a going-forward basis. Non-compliance of fence replacement by the utility will result in a show cause proceeding.*

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures of majority commissioners]*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

01655 FEB 18 8

FPSC-COMMISSION CLERK

VOTE SHEET

FEBRUARY 18, 2003

Docket No. 010869-WS - Application for staff-assisted rate case in Marion County by East Marion Sanitary Systems, Inc.

(Continued from previous page)

ISSUE 2: In the event of a protest of the PAA Order, what is the appropriate security to guarantee the amount subject to refund?

RECOMMENDATION: The security should be in the form of a bond or letter of credit in the amount of \$926. Alternatively, the utility could establish an escrow agreement with an independent financial institution. If security is provided through an escrow agreement, the utility should escrow 0.58% of its monthly water service revenues and 4.47% of its monthly wastewater services revenues as detailed in Issue No. 1. By no later than the twentieth day of each month, the utility should file a report showing the amount of revenues collected each month and the amount of revenues collected to date relating to the amount held subject to refund. Should a refund be required, the refund should be with interest and undertaken in accordance with Rule 25-30.360, Florida Administrative Code.

**APPROVED**

ISSUE 3: Should East Marion Sanitary Systems, Inc., be ordered to show cause, in writing, within 21 days, why it should not be fined for its failure to complete the pro forma fence replacements in a timely manner as required by Order No. PSC-02-1168-PAA-WS?

RECOMMENDATION: No. Show cause proceedings should not be initiated at this time.

**APPROVED**

VOTE SHEET

FEBRUARY 18, 2003

Docket No. 010869-WS - Application for staff-assisted rate case in Marion County by East Marion Sanitary Systems, Inc.

(Continued from previous page)

ISSUE 4: Should this docket be closed?

RECOMMENDATION: No. This docket should not be closed. It should remain open pursuant to Order No. PSC-02-1168-PAA-WS, issued August 26, 2002, in Docket No. 010869-WS. If the utility meets the land requirements pursuant to the above referenced order and if no timely protest is filed by a substantially affected person, the docket should be closed administratively upon staff's verification that land requirements have been met. If a protest is filed within 21 days of the issuance of the Order, the tariffs should remain in effect with any increase held subject to refund pending resolution of the protest, and the docket should remain open.

**APPROVED**