

VOTE SHEET

SEPTEMBER 2, 2003

RE: Docket No. 030102-WS - Application for authority to transfer Certificate Nos. 620-W and 533-S in Highlands County from The Woodlands of Lake Placid, L.P. to L. P. Utilities Corporation. (Deferred from June 3, 2003 conference; revised recommendation filed.)

ISSUE 1: Should the Commission approve the transfer of Water Certificate No. 620-W and Wastewater Certificate No. 533-S from Woodlands to LPUC?

RECOMMENDATION: No. The transfer of Certificate Nos. 620-W and 533-S from Woodlands to LPUC should be denied. Within 30 days from the date this decision is final, the Applicant should file another application for transfer of the certificates in which LPUC agrees to accept all regulatory obligations of the Woodlands, as Section 367.071(1), Florida Statutes and Rule 25-30.037(2), Florida Administrative Code, require. Highvest, the current owner of the utility's assets, is responsible for providing service to the utility's customers, submitting the utility's present and past due regulatory assessment fees, plus penalties and interest, for the period January 1, 2002, through September 30, 2002, and honoring any refunds to the utility customers ordered by the Commission, until an appropriate transfer to LPUC is approved by the Commission.

**APPROVED**

COMMISSIONERS ASSIGNED: Deason, Bradley, Davidson

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Charles J. Davidson*  
*John Deason*  
*Bradley Bradley*

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

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

08159 SEP-28

FPSC-COMMISSION CLERK

VOTE SHEET

SEPTEMBER 2, 2003

Docket No. 030102-WS - Application for authority to transfer Certificate Nos. 620-W and 533-S in Highlands County from The Woodlands of Lake Placid, L.P. to L. P. Utilities Corporation. (Deferred from June 3, 2003 conference; revised recommendation filed.)

(Continued from previous page)

ISSUE 2: Should the Commission deny OPC's Motion to Order L.P. Utilities to Cease Activities to Sell Utilities?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, OPC's motion will be moot. If the Commission denies staff's recommendation in Issue 1, it should specifically order LPUC to either seek Commission approval of any new transfer prior to its consummation, or demonstrate that there is a sale contract that contains a provision sufficient to make the transfer contingent on the Commission's determination that it is in the public interest.

**APPROVED**

ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open to address the new transfer application or a protest, if one is filed. If the Commission approves this application for transfer, the docket should be closed upon the issuance of the Commission's final order.

**APPROVED**