

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

APRIL 20, 2004

RE: Docket No. 030891-WS - Joint application for transfer of Certificates Nos. 336-W and 291-S in Martin County from IHC Realty Partnership L.P. d/b/a Plantation Utilities to Columbia Properties Stuart, LLC.

Issue 1: Should the transfer of Certificate Nos. 336-W and 291-S from IHC Realty Partnership L.P. d/b/a Plantation Utilities to Columbia Properties Stuart, LLC d/b/a Plantation Utilities be approved?

Recommendation: Yes. The transfer of the facilities and Certificate Nos. 336-W and 291-S from IHC Realty Partnership L.P. d/b/a Plantation Utilities to Columbia Properties Stuart, LLC d/b/a Plantation Utilities should be approved. The transfer should be effective on the day of the Commission vote. Plantation has agreed to file the 2003 annual report on or before April 30, 2004. In addition, Plantation will be responsible for the payment of all RAFs due through the date of the final order approving the transfer and until the appeal time has run. Columbia will be responsible for the payment of all regulatory assessment fees (RAFs) due thereafter. Columbia will be responsible for filing the 2004 annual report for January 1 through December 31, 2004. Pursuant to Rule 25-30.037(2)(q), Florida Administrative Code, a warranty deed or evidence that the utility owns or has continued use of the land upon which its facilities are located should be submitted within 60 days of the date of the order issued as a result of the action taken at the agenda conference. Also, the utility should be required to provide proof of registration for the utility's fictitious name with the Division of Corporations, Florida Department of State, within 60 days of the transfer order. A description of the territory being transferred is appended to staff's April 8, 2004 recommendation as Attachment A.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Charles J. Parn
Mark J. ...
Michael ...
Jerry ...
Mike ...

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

04698 APR 20 04

FPSC-COMMISSION CLERK

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Issue 2: What is the rate base of IHC Realty Partnership L.P. d/b/a Plantation Utilities at the time of transfer?

Recommendation: The rate base for transfer purposes is \$1,020,138 for the water system and \$510,917 for the wastewater system as of April 30, 2003.

APPROVED

Issue 3: Should Columbia Properties Stuart, LLC adopt and use the rates and charges approved by this Commission for IHC Realty Partnership L.P. d/b/a Plantation Utilities?

Recommendation: Yes. Columbia Properties Stuart, LLC should continue charging the rates and service availability charges approved for this utility system until authorized to change by the Commission in a subsequent proceeding. The tariff reflecting the change in ownership should be effective for services rendered or connections made on or after the stamped approval date.

APPROVED

Issue 4: Should this docket be closed?

Recommendation: No. If there are no timely protests filed by a substantially affected person to the proposed agency action issue upon expiration of the protest period, this docket should remain open pending receipt of evidence that the utility owns or has continued use of the land upon which its facilities are located and has provided proof of registration for the utility's fictitious name with the Division of Corporations, Florida Department of State. Once the recorded deed has been filed and staff verifies that it satisfies the requirements of Rule 25-30.037(3)(i), Florida Administrative Code, and proof of registration is received, the docket should be closed administratively.

APPROVED