

VOTE SHEET

OCTOBER 5, 2004

RE: Docket No. 010503-WU - Application for increase in water rates for Seven Springs System in Pasco County by Aloha Utilities, Inc.

Issue 1: Should the Commission allow oral argument on Aloha's Motion to Terminate Informal Proceeding?
Recommendation: No. Because oral argument was not requested and would not appear to aid the Commission in comprehending and evaluating the issue on whether the informal proceeding should be terminated, staff recommends that oral argument not be allowed.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners:

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

10695 OCT-5

FPSC-COMMISSION CLERK

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Issue 2: Should the Commission grant Aloha's Motion to Terminate Informal Proceeding and transfer this proceeding to DOAH for a formal proceeding?

Recommendation: No. Aloha has raised no new points in its motion that show there are disputed issues of material fact, but merely reiterates the points it has previously made. Having already decided that the issues raised by Aloha did not involve disputed issues of material fact, the Commission should proceed with the informal proceeding, and find that Aloha's request for the matter to be transferred to DOAH is still moot.

APPROVED

Issue 3: Should the Commission grant Aloha's Request for Oral Argument on its brief?

Recommendation: Yes. Because oral argument may aid the Commission in comprehending and evaluating the issues, staff recommends that oral argument be granted. Combined presentations on all issues raised in the briefs should be limited to fifteen minutes per side.

DENIED

Issue 4: What is the appropriate calculation of refunds for the period May 1, 2002 through July 31, 2003 (the appeal period)?

Recommendation: Because the Final Order was upheld on appeal and did not allow for any increase, the total 15.95% increase for interim rates collected after April 30, 2002, should be refunded with interest. This amounts to a total of \$397,519 without interest for the appeal period. Because the utility has already refunded \$121,983 (includes \$530 of interest) for the appeal period, an additional \$276,066 without interest should be refunded. The balance remaining in the escrow account should be released to the utility upon staff's verification that the utility has made the additional refund. The additional refund should be made with interest in accordance with Rule 25-30.360(4), Florida Administrative Code. The utility should submit proper refund reports pursuant to Rule 25-30.360(7), Florida Administrative Code, and treat any unclaimed refunds as contributions in aid of construction (CIAC) pursuant to Rule 25-30.360(8), Florida Administrative Code.

APPROVED

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Issue 5: Should this docket be closed?

Recommendation: No. This docket should remain open to allow staff to verify that Aloha has complied with the Final Order to improve its quality of service as subsequently modified, and that Aloha has made the additional refunds with interest and treated any unclaimed refunds as contributions in aid of construction (CIAC).

APPROVED