

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JANUARY 18, 2005

RE: Docket No. 020439-SU - Application for staff-assisted rate case in Lee County by Sanibel Bayous Utility Corporation.

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 Sanibel Bayous Utility Corporation be ordered to show cause in writing, within 21 days, why it should not be fined for its apparent failure to comply with the requirements of Order No.

PSC-03-0699-PAA-SU?

Recommendation: Yes. Sanibel Bayous Utility Corporation should be ordered to show cause in writing, within 21 days, why it should not be fined a total of \$500 for its apparent failure to timely comply with the requirements of Order No. PSC-03-0699-PAA-SU. The order to show cause should incorporate the conditions stated in the analysis portion of staff's January 6, 2005 memorandum.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Lois Edger, Mike Bradley, Mautner, J. James Wear, and Carl M. Dool.

Four horizontal lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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Issue 2: Should the Commission grant Sanibel Bayous' request for temporary relief from the requirements of Order No. PSC-03-0699-PAA-SU to construct a surge tank and add baffles in the chlorine contact chamber?

Recommendation: Yes. The Commission should grant the request. The completion of these requirements should be contingent upon the decision of the Florida Department of Environmental Protection (FDEP) on their necessity. Sanibel Bayous should be directed to make any improvements as required by FDEP.

APPROVED

Issue 3: Should Sanibel Bayous' rates be adjusted to remove the rate impact of the pro forma plant items not completed by the utility?

Recommendation: No. Wastewater rates should not be adjusted to remove the impact of the pro forma plant items not completed by the utility.

APPROVED

Issue 4: Should these dockets be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the Order, this docket should be closed upon the issuance of a Consummating Order.

APPROVED