

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JANUARY 18, 2005

RE: Docket No. 031042-WS - Application for transfer of Certificate Nos. 611-W and 527-S in Charlotte County from Hunter Creek Utilities, LLC to MSM Utilities, LLC, in Charlotte County.

Issue 1: Should the transfer of Certificate Nos. 611-W and 527-S from Hunter Creek Utilities, LLC to MSM Utilities, LLC be approved?

Recommendation: Yes. The transfer is in the public interest and should be approved. The territory being transferred is described in Attachment A of staff's January 6, 2005 memorandum. The effective date for the transfer should be the date of the Commission vote. The MacLachlan Trusts should be responsible for filing the utility's 2004 annual report and paying 2004 regulatory assessment fees by March 31, 2005. MSM Utilities, LLC, should be responsible for filing the utility's annual reports and paying regulatory assessment fees for all subsequent years.

APPROVED



COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

John Edger
Michael...
...
...

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE
00599 JAN 18 '05
FPSC-COMMISSION CLERK

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(Continued from previous page)

Issue 2: What is the rate base for Hunter Creek Utilities, LLC's water and wastewater systems at the time of the transfer?

Recommendation: For transfer purposes, rate base should be \$78,932 for the water system and \$24,000 for the wastewater system as of December 31, 2004. Within 30 days from the date of the order approving the transfer, MSM Utilities, LLC, should be required to provide a statement from its accountant indicating that the utility's books have been adjusted to reflect the Commission-approved rate base adjustments and balances.

APPROVED

Issue 3: Should an acquisition adjustment be approved?

Recommendation: No. An acquisition adjustment should not be included in the calculation of rate base for transfer purposes.

APPROVED

Issue 4: Should the utility's existing rates and charges be continued?

Recommendation: Yes. The existing rates and charges for the utility should be continued until authorized to change by the Commission in a subsequent proceeding. The tariff sheets reflecting the existing rates and charges should be effective for services rendered or connections made on or after the stamped approval date.

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(Continued from previous page)

Issue 5: Should the docket be closed?

Recommendation: No. If no timely protest is received to the proposed agency action issues on rate base and acquisition adjustment, the Order will become final upon the issuance of a Consummating Order. However, the docket should remain open pending receipt of the statement from the utility's accountant indicating that the utility's books have been adjusted to reflect the Commission-approved rate base adjustments and balances. Upon receipt of such statement, the docket should be administratively closed.

APPROVED