

VOTE SHEET

April 4, 2006

Docket No. 060057-WS – Investigation into whether Lindrick Service Corporation should be ordered to show cause as to why it should not be fined for its apparent violations of Rules 25-30.250, 25-30.251, 25-30.130, and 25-22.032, Florida Administrative Code, and the requirements of Order No. PSC-99-1883-PAA-SU, issued September 21, 1999 in Docket No. 980242-SU.

Issue 1: Based on the interruptions of service on June 29 and 30, 2005, does it appear that Lindrick Service Corporation has violated either Rule 25-30.250 or 25-30.251, Florida Administrative Code, or Section 367.111, Florida Statutes, and should the utility be ordered to show cause in writing, within 21 days, why it should not be fined for any apparent violation?

Recommendation: Staff recommends that Lindrick Service Corporation be ordered to show cause in writing within 21 days why it should not be fined \$250 for its apparent failure to timely comply with the requirements of Rule 25-30.251(2), Florida Administrative Code, in that there appears to have been two outages to all its customers, and the utility did not report the outages to the Commission within one working day as required by that rule. Also, for the outage on June 30, 2005, it appears that Lindrick did not notify the Fire Chief in advance of that scheduled outage in apparent violation of Rule 25-30.250(3), Florida Administrative Code, and Lindrick should be made to show cause in writing within 21 days why it should not be fined \$125 for this apparent violation. The order to show cause should incorporate the conditions stated in the analysis section of staff's March 23, 2006 memorandum. Lindrick should also be warned of the importance of complying with all

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COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Katrina Jewell

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REMARKS/DISSENTING COMMENTS:

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Commission rules and statutes. As regards Rule 25-30.250(1) and (2), Florida Administrative Code, and Section 367.111, Florida Statutes, which refers to compliance with part VI of Chapter 403 and parts I and II of Chapter 373, which are enforced by the Department of Environmental Protection (DEP) and the Water Management Districts, staff recommends that the Commission decline to initiate any show cause proceeding.

Issue 2: Does it appear that Lindrick Service Corporation has violated either Rule 25-30.130 or Rule 25-22.032, Florida Administrative Code, or the requirements of Order No. PSC-99-1883-PAA-SU, issued September 21, 1999, in Docket No. 980242-SU, and should the utility be ordered to show cause in writing, within 21 days, why it should not be fined for any apparent violation?

Recommendation: Staff recommends that Lindrick Service Corporation be ordered to show cause in writing within 21 days why it should not be fined \$125 for its apparent failure to file timely written responses to staff as required by Rule 25-22.032, Florida Administrative Code, for customer complaints that had been forwarded to the utility by Commission staff. The order to show cause should incorporate the conditions stated in Issue 1 above. Staff does not recommend any enforcement action with respect to Rule 25-30.130, Florida Administrative Code, or Order No. PSC-99-1883-PAA-SU.

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Issue 3: Should this docket be closed?

Recommendation: If Lindrick Service Corporation pays the \$500 in fines, the docket should be closed administratively. If the utility timely responds in writing to the Order to show cause, the docket should remain open to allow for the appropriate processing of the response.

Additionally, the forms discussed at the conference will be incorporated in the final order.

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