

VOTE SHEET

April 4, 2006

Docket No. 020640-SU – Application for certificate to provide wastewater service in Lee County by Gistro, Inc.

Issue 1: Should the application for a wastewater certificate be granted?

Recommendation: Yes. Gistro, Inc. should be granted Certificate No. 541-S to serve the territory described in Attachment A of staff's March 23, 2006 memorandum. The effective date of the certificate should be the date of the Commission vote. Within 45 days after the issuance of a final order granting a certificate, the applicant should be required to file an affidavit attesting that the utility's books and records have been established and will be maintained pursuant to the NARUC uniform system of accounts. The affidavit should also attest that the applicant is aware of his responsibility to timely file annual reports and remit regulatory assessment fees for 2006 and in all future years.

DEFERRED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE
03047 APR-4 8
FPSC-COMMISSION CLERK

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Issue 2: If the Commission grants the utility a certificate of authorization, what is the appropriate initial wastewater service rate?

Recommendation: A quarterly wastewater service rate of \$19.18 per residential connection should be approved. Within 10 days from the date of the Commission vote, the applicant should file a proposed notice of its Commission-approved wastewater service rate for staff's review. The notice should specifically indicate that the rate is a proposed agency action and specify the time frame and manner by which any person whose substantial interests are affected by the proposed action may file a petition for a formal proceeding. Within 10 days of staff approval, the applicant should provide the notice to all existing connections and owners of unconnected lots in its service territory, pursuant to Rule 25-30.4345, Florida Administrative Code. Within 10 days after the notice is given, the applicant should file a statement confirming that the notice has been given. Within 15 days from the date of the Commission vote, the applicant should file a revised tariff reflecting the Commission-approved wastewater service rate. The tariff should become effective on or after the stamped approval date, pursuant to Rule 25-30.475, Florida Administrative Code. The applicant should be required to charge the approved rate until authorized to change by the Commission in a subsequent proceeding. A return on equity of 8.88% plus or minus 100 basis points should be approved.

Issue 3: If the Commission grants the utility a certificate of authorization, what are the appropriate miscellaneous service charges?

Recommendation: The Commission's standard miscellaneous wastewater services charges, as described in the analysis section of staff's memorandum, should be approved. In addition, a \$5.00 late payment charge is reasonable and should be approved. These charges should become effective on or after the stamped approval date, pursuant to Rule 25-30.475, Florida Administrative Code, and should be included in the notice described in Issue 2.

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Issue 4: Should the approved proposed agency action rates be implemented on a temporary basis, subject to refund with interest, in the event of a protest filed by a party other than the utility?

Recommendation: Yes. In the event of a protest filed by a party other than the utility, the utility should be authorized to implement the approved proposed agency action rates on a temporary basis, subject to refund, pending the final outcome of this proceeding. Should the final rates be lower than the temporary rates, the applicant should be required to refund the difference, with interest, pursuant to Rule 25-30.360, Florida Administrative Code. Prior to the implementation of any temporary rates, the utility should be required to provide evidence of security as described in the analysis section of staff's memorandum. In addition, after the temporary rates are in effect, pursuant to Rule 25-30.360(6), Florida Administrative Code, the utility should file monthly reports no later than the 20th of each month indicating the monthly and total amount of money that was subject to refund at the end of the preceding month until the final order is issued. The monthly reports should also indicate the status of the security being used to guarantee repayment of any potential refund.

Issue 5: Should this docket be closed?

Recommendation: No. If no timely protest is received to the proposed agency action issues, the Order will become final upon the issuance of a Consummating Order. However, the docket should remain open pending receipt of a proposed notice reflecting the utility's approved rates, a statement confirming that the notice has been given, receipt of a revised tariff, and an affidavit attesting that the books and records of the utility have been established and that the applicant is aware of his responsibility to timely file annual reports and remit RAFs for 2006 and in all future years. Upon receipt and verification of such documents, the docket should be administratively closed. If a timely protest to a proposed agency action issue is filed by a person whose interests are substantially affected, the docket should remain open in order to proceed to hearing.