

VOTE SHEET

July 18, 2006

Docket No. 050595-WS – Application for certificates to provide water and wastewater service in Polk County by Four Points Utility Corporation.

Issue 1: Should Four Points Utility Corporation be ordered to show cause, in writing within 21 days, as to why it should not be fined for providing water and wastewater service to the public for compensation without first obtaining certificates of authorization and without obtaining the approval of the Commission to charge rates and charges, in apparent violation of Sections 367.045, 367.081(1), and 367.091(3), Florida Statutes, and Rules 25-30.034(1)(g) and 25-30.135, Florida Administrative Code?

Recommendation: Yes. Four Points Utility Corporation should be ordered to show cause, in writing within 21 days, as to why it should not be fined in the amount of \$5,000 for providing water and wastewater service to the public for compensation without first obtaining certificates of authorization and without obtaining the approval of the Commission to charge rates and charges, in apparent violation of Sections 367.031, 367.081(1), and 367.091(3), Florida Statutes, and Rules 25-30.032(1), 25-30.034(1)(g) and 25-30.135, Florida Administrative Code. The order to show cause should incorporate the conditions set forth in the analysis in staff's July 6, 2006 memorandum.

DEFERRED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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(Continued from previous page)

Issue 2: Should the utility be authorized to continue charging its current rates on a temporary basis and subject to refund with interest?

Recommendation: Yes. The utility should be authorized on a temporary basis to continue charging its current rates and hold 44% of its revenues subject to refund pending the final outcome of this proceeding. If the final rates are lower than the current rates, the applicant should be required to refund the difference, with interest, pursuant to Rule 25-30.360, Florida Administrative Code. The utility should be required to provide evidence of a bond, letter of credit, or escrow account as security in the amount of \$77,050 to guarantee the refund by August 16, 2006. Pursuant to Rule 25-30.360(6), Florida Administrative Code, the utility should file reports with the Commission's Division of Economic Regulation no later than the 20th of each month indicating the monthly and total amount of revenues billed and the amount subject to refund at the end of the preceding month until the final order is issued. The report filed should also indicate the status of the security being used to guarantee repayment of any potential refund. Further, the Commission should prohibit the utility from disconnecting service for failure to pay contested bills for any utility service subject to the Commission's jurisdiction while the Commission is investigating these matters.

Issue 3: Should this docket be closed?

Recommendation: No. This docket should remain open pending a ruling on the application for certificates of authorization after a hearing is held on the matter.