

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

September 19, 2006

Docket No. 010492-WS – Application for rate increase in Orange County by Zellwood Station Co-Op, Inc.  
Docket No. 030682-WS – Dual application by Zellwood Station Co-Op, Inc. for transfer of portion of water and wastewater facilities to City of Apopka, for transfer of remaining facilities to Zellwood Station Community Association, Inc., and request for cancellation of Certificate Nos. 602-W and 518-S.

**Issue 1:** Should the transfers of Zellwood Station Co-Op, Inc.'s water and wastewater treatment services to the City of Apopka be approved?

**Recommendation:** Yes. The transfers should be approved as a matter of right pursuant to Section 367.071(4)(a), Florida Statutes, effective the date of the transfers.

**APPROVED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Katrina Jakub*  
*J. J. [Signature]*  
*Jan Edgar*  
*[Signature]*  
*[Signature]*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER - DATE

08591 SEP 19 06

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**Issue 2:** Should the transfers of Zellwood Station Co-Op, Inc.'s water distribution and wastewater collection systems to Zellwood Station Community Association, Inc. be approved and Certificate Nos. 602-W and 518-S cancelled?

**Recommendation:** Yes. The transfers are in the public interest and should be approved. Certificate Nos. 602-W and 518-S should be cancelled administratively upon notification to the Commission of the transfer dates and verification of the payment of regulatory assessment fees up through the date of the transfers. The effective dates for the cancellation of the utility's certificates should be the date of the transfers. Zellwood should continue to be responsible for regulatory assessment fees for any part of the utility that remains jurisdictional until the related certificate is cancelled. Further, the jurisdictional entity, if any, at December 31, 2006, and December 31<sup>st</sup> of any future year, should be responsible for filing the Annual Report. Zellwood Station Community Association, Inc., or any successors in interest, should be put on notice that if there is a change in circumstance or method of operation which causes it to no longer qualify for exemption pursuant to Section 367.022(7), Florida Statutes, it should inform the Commission within 30 days.

**APPROVED**

**Issue 3:** What should be the disposition of Docket No. 010492-WS?

**Recommendation:** If the Commission approves the transfers in Issues 1 and 2, Zellwood Station Co-Op, Inc.'s request for rate relief pending in Docket No. 010492-WS should be deemed withdrawn pursuant to Section 367.0814(8), Florida Statutes, the security for any possible overearnings pursuant to Order No. PSC-01-2471-PCO-WS should be released, and Docket No. 010492-WS should be administratively closed upon the closing of Docket No. 030682-WS.

**APPROVED**

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**Issue 4:** Should Docket Nos. 010492-WS and 030682-WS be closed?

**Recommendation:** No. The dockets should remain open pending confirmation of the transfers of the utility's water and wastewater treatment services to the City of Apopka and the utility's water distribution and wastewater collection systems to Zellwood Station Community Association, Inc. Upon confirmation of these transfers and verification of the payment of water and wastewater RAFs up through the transfer dates, Docket Nos. 010492-WS and 030682-WS should be administratively closed and the security being held pursuant to Order No. PSC-02-2471-PCO-WS released.

**APPROVED**