

VOTE SHEET

January 9, 2007

Docket No. 060602-SU – Application for certificate to provide wastewater service in Lee and Charlotte Counties by Town and Country Utilities Company.

**Issue 1:** Should the Commission grant Town and Country's petition for a temporary waiver of Rules 25-30.033 (1)(h), (j), (k), (m), (o), (r), (t), (u), (v), and (w), Florida Administrative Code?

**Recommendation:** Yes. Town and Country's petition for a temporary waiver of Rules 25-30.033(1)(h), (j), (k), (m), (o), (r), (t), (u), (v), and (w), Florida Administrative Code, should be granted.


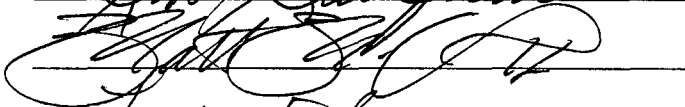
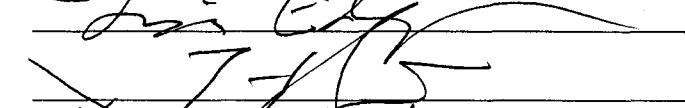

**APPROVED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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**Issue 2:** Should Town and Country's application for wastewater certificate be approved?

**Recommendation:** Yes. Town and Country should be granted Certificate No. 543-S to serve the territory described in Attachment A of staff's December 27, 2006 memorandum effective the date of the Commission's vote. The resultant order should serve as Town and Country's wastewater certificate and it should be retained by the utility. The utility should file an executed and recorded copy of a warranty deed or a 99-year lease for the use of the land for the wastewater facilities within 30 days of the issuance date of the Order setting rates and charges.

**APPROVED**

**Issue 3:** Should this docket be closed?

**Recommendation:** No. If no timely protest is received to the proposed agency action issue on the waiver, the Order will become final upon the issuance of a Consummating Order. However, the docket should remain open pending receipt of the executed and recorded copy of the warranty deed or lease and to allow for the setting of initial rates, charges and return on equity. As discussed earlier, the company has requested that the certification and the rate setting process be bifurcated. Therefore, staff recommends that the docket remain open for the setting of initial rates, charges, and return on equity at a later date.

**APPROVED**