

VOTE SHEET

March 13, 2007

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

Issue 1: Should the Consented Motion Seeking Commission Approval of Settlement Agreement be granted?

Recommendation: Yes. The Consented Motion Seeking Commission Approval of Settlement Agreement should be granted and the Settlement Agreement should be accepted and approved without modification.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of Katrina J. McMurrin, Jim Eads, and other commissioners under the MAJORITY column.

Empty lines for signatures under the DISSENTING column.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

02266 MAR 13 5

FPSC-COMMISSION CLERK

March 13, 2007

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(Continued from previous page)

Issue 2: Should Four Points Utility Corporation be ordered to show cause, in writing within 21 days, as to why it should not be fined for charging unauthorized rates from November 2006 to January 2007, in apparent violation of Sections 367.081(1) and 367.091(3), Florida Statutes, and Rule 25-30.135, Florida Administrative Code?

Recommendation: No. Four Points Utility Corporation should not be ordered to show cause for charging unauthorized rates from November 2006 to January 2007. However, the utility should be admonished that it must charge its Commission-approved rates and charges until authorized to change by the Commission, and that such apparent violations will not be tolerated in the future. The utility should be required to file a status report verifying the amount credited to each customer account. The report should be filed within 30 days of the issuance date of the Order memorializing the Commission's decision on the merits of the utility's application.

APPROVED

Issue 3: Should the application of Four Points Utility Corporation for water and wastewater certificates be granted?

Recommendation: Yes. The Commission should grant Four Points Utility Corporation Certificate Nos. 634-W and 544-S to serve the territory described in Attachment B of staff's March 1, 2007, memorandum, to be effective on the date of the Commission's vote. The subsequent order will serve as the utility's water and wastewater certificates and should be retained by the utility. The utility should be put on notice that the 2006 annual report and Regulatory Assessment Fees (RAFs) are due March 31, 2007.

APPROVED

Issue 4: What are the appropriate initial water and wastewater rates and return on investment for this utility?

Recommendation: The utility's proposed water and wastewater rates shown on Schedule No. 6 of staff's March 1, 2007, memorandum should be approved. The utility should be required to notice all customers of the approved rates prior to billing for monthly water and wastewater service. The utility should also be required to file a proposed customer notice reflecting the Commission-approved rates within ten days of the date of the consummating order. The approved rates should be effective for service rendered on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475(1), Florida Administrative Code. Four Points should charge the approved rates until authorized to change them by this Commission in a subsequent proceeding. A return on equity of 8.97% plus or minus 100 basis points should be approved.

APPROVED

• Vote Sheet

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(Continued from previous page)

Issue 5: What are the appropriate miscellaneous service charges, late payment charge, and service availability charges?

Recommendation: The Commission's standard miscellaneous water and wastewater service charges and a late payment charge are 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 to the customers. The utility should not be authorized to charge service availability charges.

APPROVED

Issue 6: Should the funds in the escrow account be disbursed and the account closed?

Recommendation: Yes. The balance in the escrow account should be disbursed to Four Points and closed.

APPROVED

Issue 7: Should this docket be closed?

Recommendation: Yes. If no timely protest is filed by a substantially affected person to the proposed agency action (PAA) issues within 21 days of the issuance of the PAA Order, a consummating order should be issued upon the expiration of the protest period and the docket should be closed administratively upon verification by staff that the utility has completed the refund addressed in Issue 2 of staff's March 1, 2007, memorandum.

APPROVED