

VOTE SHEET

April 8, 2008

Docket No. 070183-WS – Proposed adoption of Rule 25-30.4325, F.A.C., Water Treatment Plant Used and Useful Calculations.

**Issue A:** Which party bears the burden of proof to demonstrate that specific provisions of proposed Rule 25-30.4325 should not be accepted?

**Recommendation:** As the Petitioner, OPC bears the burden of proving by a preponderance of the evidence that the alternative rule proposals it has presented should be adopted by the Commission instead of the specific provisions in the proposed rule. Other parties and staff bear that same burden of proof with respect to the alternative rule proposals they have presented.

**APPROVED**

**Issue 1:** Stipulation.

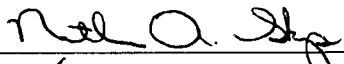
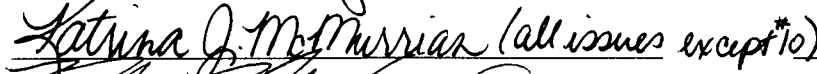


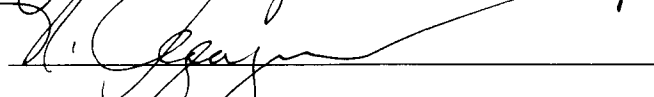
**STIPULATED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

	_____
	_____
	_____
	_____
	_____

REMARKS/DISSENTING COMMENTS:

Commissioners Edgar and McMurrrian dissented on Issue 10.

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**Issue 2:** Should the definition of storage facilities as proposed in Rule 25-30.4325(1)(b) be adopted?

**Recommendation:** Yes, the definition of storage facilities in Proposed Rule 25-30.4325(1)(b), F.A.C., should be adopted if the Commission approves staff's recommendation in Issue 16. If the Commission denies staff's recommendation in Issue 16, the definition of storage facilities should be changed to exclude high service pumps.

**APPROVED**

**Issue 3:** Should the definition of peak demand as proposed in Rule 25-30.4325(1)(c) be adopted?

**Recommendation:** Yes, the definition of peak demand for a water system as proposed in Rule 25-30.4325(1)(c) should be adopted.

**APPROVED**

**Issue 4:** Should the definition of peak demand for storage as proposed in Rule 25-30.4325(1)(d) be adopted?

**Recommendation:** Yes, the proposed rule language should be adopted without modification.

**APPROVED**

**Issue 5:** Should the definition of excessive unaccounted for water as proposed in Rule 25-30.4325(1)(e) be adopted?

**Recommendation:** The proposed rule should be adopted with the modification shown on Attachments B and C of staff's memorandum dated March 27, 2008.

**APPROVED**

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**Issue 6:** Should the Commission's used and useful evaluation include a determination as to the prudence of the investment and consideration of economies of scale as proposed in Rule 25-30.4325(2) and be adopted?

**Recommendation:** The proposed rule should be adopted with the modification shown on Attachments B and C of staff's memorandum dated March 27, 2008.

**APPROVED**

**Issue 7:** Should alternative calculations for water treatment systems and storage facilities be allowed as proposed in Rule 25-30.4325(3) and be adopted?

**Recommendation:** The proposed rule should be adopted with the modifications shown on Attachments B and C of staff's memorandum dated March 27, 2008.

**APPROVED**

**Issue 8:** Should the conditions for considering a water treatment system 100% used and useful as proposed in Rule 25-30.4325(4) be adopted?

**Recommendation:** The proposed rule should be adopted with the modifications shown on Attachments B and C of staff's memorandum dated March 27, 2008.

**APPROVED**

**Issue 9:** Stipulation

**STIPULATED**

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**Issue 10:** Should the definition of firm reliable capacity for various combinations of water treatment systems and storage facilities as proposed in Rule 25-30.4325(6) be adopted?

**Recommendation:** The proposed rule should be adopted with the modification that the limiting factors should be moved from subsection (6) of the rule to subsection (3), as shown on Attachments B and C of staff's memorandum dated March 27, 2008.

**MODIFIED** *to change the "12 hours of pumping" in Rule 25-30.4325(6)(b) to "16 hours of pumping."*

*Commissioners Edgar and McMurrian dissented on this issue.*

**Issue 11:** Should the basis for expressing peak demand as proposed in Rule 25-30.4325(7) be adopted?

**Recommendation:** The proposed rule should be adopted with the modifications shown on Attachments B and C of staff's memorandum dated March 27, 2008.

**APPROVED**

**Issue 12:** Stipulation.

**STIPULATED**

**Issue 13:** Stipulation.

**STIPULATED**

**Issue 14:** Should the method of determining adjustments to plant and operating expenses because of excessive unaccounted for water as proposed in Rule 25-30.4325(10) be adopted?

**Recommendation:** Yes, the method of determining adjustments to plant and operating expenses because of excessive unaccounted for water as proposed in Rule 25-30.4325(10) should be adopted.

**APPROVED**

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**Issue 15:** Should the Commission's consideration of other relevant factors as proposed in Rule 25-30.4325(11) be adopted?

**Recommendation:** Yes, however the substance of the provisions of subsection (11) should be moved to subsection (3). The proposed revision is shown on Attachments B and C of staff's memorandum dated March 27, 2008.

**APPROVED**

**Issue 16:** Should there be a separate used and useful calculation for high service pumping?

**Recommendation:** No. If the Commission approves staff's recommendation on Issue 2, OPC's proposal for a separate definition for high service pumps should be denied. If the Commission denies staff's recommendation on Issue 2 and agrees with OPC's position that there should be a separate used and useful calculation for high service pumping, then the definition of storage facilities, as discussed in Issue 2, will need to be modified to exclude high service pumps and a separate definition of high service pumps will need to be approved, as discussed in Issue 17.

**APPROVED**

**Issue 17:** If there is a separate calculation for high service pumping, what is the proper definition for high service pumping?

**Recommendation:** If the Commission approves staff's recommendation in Issue 16 to deny OPC's proposal to have a separate definition for high service pumps, then this issue need not be ruled upon. If the Commission denies staff's recommendation on Issue 16 and approves OPC's proposal to have a separate definition for high service pumps, then OPC's proposed definition should be approved.

**APPROVED**

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**Issue 18:** If there is a separate calculation for high service pumping, what is the proper definition for peak demand for high service pumping?

**Recommendation:** If the Commission approves staff's recommendation in Issue 16 to deny OPC's proposal to have a separate definition for high service pumps, then this issue need not be ruled upon. If the Commission denies staff's recommendation on Issue 16 and approves OPC's proposal to have a separate definition for high service pumps, then the appropriate definition of peak demand for high service pumps should be the single maximum day in the test year with no unusual occurrence, such as a fire or line break. If actual flow data is not available, the rule provides a default number of gallons per ERC to be used.

**APPROVED**

**Issue 19:** If there is a separate calculation for high service pumping, how should the firm reliable capacity of high service pumping be determined?

**Recommendation:** If the Commission approves staff's recommendation on Issue 16 to deny OPC's proposal to have a separate definition for high service pumps, then this issue need not be ruled upon. If the Commission denies staff's recommendation on Issue 16 and approves the use of a separate formula for evaluating the used and usefulness of high service pumps, staff recommends that OPC's proposal, which is the only proposal that was provided to define firm reliable capacity for high service pumps, should be approved.

**APPROVED**

**Issue 20:** If there is a separate calculation for high service pumping, how should the used and usefulness of high service pumping be determined?

**Recommendation:** If the Commission approves staff's recommendation on Issue 16 to deny OPC's proposal to have a separate definition for high service pumps, then this issue need not be ruled upon. If the Commission denies staff's recommendation on Issue 16 and approves the use of a separate formula for evaluating the used and usefulness of high service pumps, staff recommends that the used and usefulness of high service pumping should be determined by dividing the peak demand for high service pumping by the firm reliable capacity of the high service pumps. This is consistent with the method for calculating the used and usefulness of water treatment facilities which was stipulated in Issue 9. However, the language regarding the peak hour and maximum day demand for high service pumping is unnecessary because that is addressed in Issue 18.

**APPROVED**

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**Issue 21:** Should the rulemaking proceeding be resumed in order for Rule 25-30.4325 to be filed for adoption with the Secretary of State as approved by the Commission and the docket be closed?

**Recommendation:** Yes, the rule as approved by the Commission should be filed for adoption with the Secretary of State 21 days after the publication of a Notice of Change in the FAW and the docket should then be closed.

**APPROVED**