

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

June 17, 2008

**Docket No. 070548-WS** – Application for certificates to provide water and wastewater service in Marion County by Century - Fairfield Village, Ltd. (Deferred from the May 6, 2008 Commission Conference, revised recommendation filed.)

**Issue 1:** Should Century-Fairfield Village, Ltd. (Century-Fairfield) be ordered to show cause, in writing, within 21 days, why it should not be fined for charging rates and charges that are not contained in its tariff, in apparent violation of Sections 367.081(1) and 367.091(4), F.S.?

**Recommendation:** No, a show cause proceeding should not be initiated. The utility should, however, be put on notice that, pursuant to Sections 367.081(1) and 367.091(4), F.S., it must charge only those rates and charges approved by the Commission in its tariff.

**APPROVED**

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08 JUN 17 AM 11:58  
COMMISSION  
CLERK

**COMMISSIONERS ASSIGNED:** All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Neil A. De*  
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*Katrina J. McMurrin*  
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REMARKS/DISSENTING COMMENTS:

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**Issue 2:** Should the Commission approve the settlement agreement provided by Century-Fairfield and the Office of Public Counsel?

**Recommendation:** Yes, the Commission should approve the settlement agreement without modification. The utility should file a proposed customer notice to reflect the approved rates. The water rates should be effective for services rendered on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475, F.A.C. In addition, the rates should not be implemented until staff has approved the proposed customer notice and tariff sheets. The utility should distribute the notice to the customers no later than with the first bill containing the approved rates and provide proof of the date the notice was given no less than ten days after the date of the notice. In addition, wastewater Certificate No. 549-S should be cancelled effective the date of the Commission's vote. The Commission should not require the utility to refund the \$7,186.20 in previously collected revenues.

**APPROVED**

**Issue 3:** Should the utility's request for miscellaneous service charges and a late fee be approved?

**Recommendation:** Yes. The utility's request for miscellaneous service charges and a late fee should be approved. The charges should be effective for services rendered on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475, F.A.C.

**APPROVED**

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**Issue 4:** In the event of a timely protest of the Proposed Agency Action (PAA) Order, should any recommended rates and charges be approved for the utility on a temporary basis, subject to refund?

**Recommendation:** Yes. In the event of a protest of the PAA Order, the utility should be allowed to continue collecting the rates and charges set forth in this schedule as temporary rates and charges. However, in order to protect utility customers from potential overearnings, the utility should hold \$5,329 of annual service revenues subject to refund. Prior to implementation of any temporary rates and charges, the utility should provide appropriate security. In the event of a protest, the security should be in the form of a bond or letter of credit. Alternatively, the utility could establish an escrow agreement with an independent financial institution. If security is provided by an escrow agreement, the utility should escrow all revenues collected during the pendency of the case. In addition, after the rates and charges are in effect, pursuant to Rule 25-30.360(6), F.A.C., 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 money subject to refund at the end of the preceding month. The report filed should also indicate the status of the security being used to guarantee repayment of any potential refund.

**APPROVED**

**Issue 5:** Should this docket be closed?

**Recommendation:** No. If no timely protest to proposed agency action order is filed by a substantially affected person within 21 days, a Consummating Order should be issued. However, the docket should remain open pending receipt of revised tariff sheets reflecting the Commission approved rate. Upon receipt and verification of the revised tariff sheets, the docket should be administratively closed.

**APPROVED**