

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

September 4, 2008

Docket No. 080183-WU – Joint application for approval of transfer of Tamiami Village Water Company, Inc.'s water system and Certificate No. 388-W in Lee County to Ni Florida, LLC. (Deferred from the August 19, 2008 Commission Conference.)

Issue 1: Should the Commission approve the transfer of facilities and Certificate No. 388-W from Tamiami Village Water Company, Inc. to Ni Florida, LLC?

Recommendation: Yes, the transfer of facilities and Certificate No. 388-W is in the public interest and should be approved effective as of the date of the Commission's vote. A description of the territory being transferred is appended to this recommendation as Attachment A of staff's memorandum dated August 7, 2008. The subsequent order will serve as the utility's water certificate and should be retained by the utility. Tamiami is responsible for payment of 2008 RAFs from January 1, 2008, to the date of the closing. Ni Florida is responsible for payment of 2008 RAFs from the date of closing through December 31, 2008, and RAFs for all future years. Ni Florida is also responsible for filing the utility's annual report for 2008 and all future years. Pursuant to Rule 25-9.044(1), Florida Administrative Code (F.A.C.), the rates and charges approved for the utility should be continued until authorized to change by the Commission in a subsequent proceeding. The buyer should be required to file documentation confirming the closing of the purchase within 15 days of the closing and an updated territory map within 6 months from the date of the closing. The docket should remain open until rate base is established by the Commission at a subsequent agenda conference.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Katrina J. McPurrian, Matt B. H., and others.

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE
08168 SEP-4 8

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Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open until staff receives proof of the executed purchase agreement confirming the closing, staff receives and verifies an updated territory map, and rate base is established by the Commission at a subsequent agenda.

APPROVED