

VOTE SHEET

July 14, 2009

Docket No. 080098-WU – Application for certificate to provide water service in Sumter County by Cedar Acres Inc. (Deferred from the May 5, 2009 Commission Conference, revised recommendation filed.)

**Issue 1:** Should the Commission order the utility to show cause, in writing within 21 days, why it should not be fined for operating a water utility without a certificate of authorization in apparent violation of Chapter 367.031, F.S.?

**Recommendation:** No, Cedar Acres, Inc should not be ordered to show cause for operating a water utility without a certificate of authorization. ~~No. Show casus proceedings should not be initiated.~~

**APPROVED**

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

\_\_\_\_\_

*Katrina J. McMurrian*

\_\_\_\_\_

*John E. ...*

\_\_\_\_\_

*Nancy Argenziano by Jay N. ...*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**REMARKS/DISSENTING COMMENTS:** Commissioner Argenziano participated in the conference by telephone. She will sign the vote sheet upon her return to the office.

DOCUMENT NUMBER-DATE

07056 JUL 14 8

Vote Sheet

July 14, 2009

Docket No. 080098-WU – Application for certificate to provide water service in Sumter County by Cedar Acres Inc.

(Continued from previous page)

**Issue 2:** Should Cedar Acres, Inc be ordered to show cause, in writing within 21 days, as to why it should not be fined for charging unauthorized rates from September 1987 to present, in apparent violation of Sections 367.081(1) and 367.091(3), Florida Statutes, and Rule 25-30.135, Florida Administrative Code (F.A.C.)?

**Recommendation:** No, Cedar Acres, Inc should not be ordered to show cause for charging unauthorized rates from September 1987 to present. However, the utility should be placed on notice 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.

**APPROVED**

**Issue 3:** Should Cedar Acres Inc be ordered to show cause, in writing, within 21 days, why it should not be fined for failure to file annual reports from 1987 to present, in apparent violation of Rules 25-30-110(3), Florida Administrative Code (F.A.C.)?

**Recommendation:** No, Cedar Acres, Inc should not be ordered to show cause for failing to file annual reports from 1987 to present. However, the utility should be ordered to file an annual report for 2008, the year the utility filed for an original certificate, by August 31, 2009. If Cedar Acres fails to file its 2008 annual report by August 31, 2009, staff will bring a show cause recommendation at that time.

**APPROVED**

**Issue 4:** Should Cedar Acres Inc be ordered to show cause, in writing, within 21 days, why it should not be fined for failure to remit its regulatory assessment fees (RAFs) for 1987 through 2008, in apparent violation of Section 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code (F.A.C.)?

**Recommendation:** No, Cedar Acres, Inc should not be ordered to show cause for failing to remit its RAFs for 1987 through 2008.

**APPROVED**

Vote Sheet

July 14, 2009

Docket No. 080098-WU – Application for certificate to provide water service in Sumter County by Cedar Acres Inc.

(Continued from previous page)

**Issue 5 2:** Should the application of Cedar Acres Inc for a water certificate be approved?

**Recommendation:** Cedar Acres Inc should be granted Certificate No. 643-W to serve the territory described in Attachment A of staff's memorandum dated July 1, 2009, effective the date of the Commission's vote. The resultant order should serve as Cedar Acres' water certificate and it should be retained by the utility.

**APPROVED**

**Issue 6 3:** What rates and charges should be approved for Cedar Acres Inc?

**Recommendation:** The water rates currently charged by the utility, including a \$9.00 base facility charge and \$0.045 per 1000 gallons, should be approved. Cedar Acres should charge the approved rates until authorized to change them by this Commission in a subsequent proceeding. The rates should be effective for services rendered or connections made on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475, F.A.C.

**APPROVED**

**Issue 7 4:** Should this docket be closed?

**Recommendation:** Yes. If the Commission approves staffs' recommendations in Issues 1-6 3, this docket should be closed because no further action is necessary.

**APPROVED**