

VOTE SHEET

March 16, 2010

Docket No. 080121-WS – Application for increase in water and wastewater rates in Alachua, Brevard, DeSoto, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

Issue 1: Is Aqua Utilities Florida, Inc.'s performance as specified in the Monitoring Plan detailed in the Final Order adequate?

Recommendation: Yes.

DENIED, substituting for recommendation: No. While preliminary monitoring results show substantial improvement in AUF's performance, additional monitoring is required to ultimately render a determination as to the adequacy of AUF's quality of service. Staff will prepare a supplemental monitoring plan, including but not limited to staff recommendations as to monitoring the aesthetic water quality of seven systems, referenced in staff's recommendation, continuing to monitor customer complaints, continuing to monitor accuracy of meter readings, continuing to monitor accuracy of bills, and monitoring environmental progress through the end of the 2010 calendar year. Staff will bring this back to the Commission within 45 days.

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures in the majority column: one illegible signature, David E. Hlement, Tony [illegible], Lon [illegible], and BSA.

Four horizontal lines in the dissenting column, all of which are blank.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

02295 MAR 30 0

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Issue 2: Should this docket be closed?

Recommendation: No. If no person whose substantial interests are affected by the proposed agency action files a protest within twenty-one days of the issuance of the order, a consummating order will be issued, but the docket should remain open contingent on the DEP not issuing any further consent orders regarding the Woods water and wastewater systems within 18 months of the Final Order, issued on May 29, 2009. Once the 18-month timeframe has expired without any further DEP consent orders issued regarding the Woods water and wastewater systems, the increased revenues will no longer be subject to refund and this docket should be closed administratively. However, if new consent order activity for The Woods systems does occur before the 18-month timeframe has expired, staff will report back to the Commission with a recommendation as to how to proceed with the appropriate disposition of the rates made subject to refund.

APPROVED as modified to incorporate the additional supplemental monitoring as discussed in Issue 1. Staff was directed to get with the company and the public counsel and bring back a Phase II Monitoring Plan within 45 days or less.