

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 100359-WS

APPLICATION FOR STAFF-ASSISTED  
RATE CASE IN VOLUSIA COUNTY BY  
TYMBER CREEK UTILITIES,  
INCORPORATED.

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PROCEEDINGS: AGENDA CONFERENCE  
ITEM NO. 10

COMMISSIONERS  
PARTICIPATING: CHAIRMAN ART GRAHAM  
COMMISSIONER LISA POLAK EDGAR  
COMMISSIONER RONALD A. BRISÉ  
COMMISSIONER EDUARDO E. BALBIS  
COMMISSIONER JULIE I. BROWN

DATE: Tuesday, July 26, 2011

PLACE: Betty Easley Conference Center  
Room 148  
4075 Esplanade Way  
Tallahassee, Florida

REPORTED BY: JANE FAUROT, RPR  
Official FPSC Reporter  
(850) 413-6732

DOCUMENT NUMBER - DATE

05303 JUL 29 =

FPSC-COMMISSION CLERK

## P R O C E E D I N G S

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2           **CHAIRMAN GRAHAM:** We are going down to  
3 Item Number 10.

4           **MS. SMITH:** Commissioners, Avy Smith on  
5 behalf of Commission staff. Item 10 is Staff's  
6 recommendation for a staff-assisted rate case for  
7 Tymber Creek Utilities. Staff is recommending the  
8 utility's land rent be treated using the same  
9 methodology previously approved by this Commission.  
10 The utility disagrees and has requested that the  
11 land be recognized at market sales value or market  
12 rate.

13           **COMMISSIONER EDGAR:** In addition, staff  
14 would like to make an oral modification regarding  
15 the long-term use of land for the utility's  
16 percolation ponds discussed on Pages 16 through  
17 20 of the recommendation. Specifically, staff would  
18 like to add the following language in the  
19 recommendation, "Within 120 days of the consummating  
20 order, the utility should provide documentation,  
21 such as a 99-year lease or warranty deed,  
22 demonstrating that it has complied with Section  
23 367.1213, Florida Statutes, and Rule 25-30.33,  
24 Provision 10, Florida Administrative Code.

25           Staff is prepared to answer any questions

1 you have at this time.

2 **CHAIRMAN GRAHAM:** Thank you very much.

3 Tymber Creek, do you have anything? No?

4 All right. To the Board. Commissioner  
5 Balbis.

6 **COMMISSIONER BALBIS:** Thank you, Mr.  
7 Chair.

8 I just want to thank staff for the oral  
9 modification. I know there's -- at least I have had  
10 a lot of discussion with staff concerning the  
11 transfer of the land, and when it occurred, or  
12 should have occurred, and so I just want to thank  
13 staff for that oral modification. I think it clears  
14 the issues up significantly.

15 **CHAIRMAN GRAHAM:** Commissioner Edgar.

16 **COMMISSIONER EDGAR:** Thank you, Mr.  
17 Chairman.

18 I do just want to verify for the record  
19 that there is nobody here from the utility who would  
20 like to speak to this issue today? That's my  
21 understanding; I just wanted to verify.

22 **MR. FLETCHER:** That is correct.

23 **COMMISSIONER EDGAR:** And I, as well, think  
24 that the additional modification that the staff has  
25 made to answer some questions and give greater

1 assurance to the customers on a go-forward basis is  
2 a good and a positive change, so I thank them for  
3 their work on that.

4 **CHAIRMAN GRAHAM:** Any other discussion?  
5 Staff, thank you very much for your quick work.

6 **MS. SMITH:** Oh, I would just like to add  
7 something real quick. I believe when I quoted the  
8 rule, I'm not sure if I spoke incorrectly, but it's  
9 Rule 25-30.433, Provision 10.

10 **CHAIRMAN GRAHAM:** Sounds good.

11 **MS. SMITH:** I just wanted to clarify that.

12 **CHAIRMAN GRAHAM:** And 120 days?

13 **MS. SMITH:** Yes.

14 **CHAIRMAN GRAHAM:** Okay.

15 Commissioner Edgar.

16 **COMMISSIONER EDGAR:** If there's no further  
17 discussion, Mr. Chairman, then I would move the  
18 staff recommendation inclusive of the oral  
19 modification that was just made.

20 **CHAIRMAN GRAHAM:** It has been moved and  
21 seconded, staff recommendation including the oral  
22 modification. Any further discussion?

23 All in favor say aye.

24 (Affirmative vote.)

25 **CHAIRMAN GRAHAM:** Any opposed?

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By your action you have approved Item  
Number 10. Thank you very much.

1 STATE OF FLORIDA )

2 : CERTIFICATE OF REPORTER

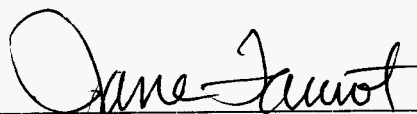
3 COUNTY OF LEON )

4  
5 I, JANE FAUROT, RPR, Chief, Hearing Reporter  
6 Services Section, FPSC Division of Commission Clerk, do  
7 hereby certify that the foregoing proceeding was heard  
8 at the time and place herein stated.

9 IT IS FURTHER CERTIFIED that I  
10 stenographically reported the said proceedings; that  
11 the same has been transcribed under my direct  
12 supervision; and that this transcript constitutes a  
13 true transcription of my notes of said proceedings.

14 I FURTHER CERTIFY that I am not a relative,  
15 employee, attorney or counsel of any of the parties,  
16 nor am I a relative or employee of any of the parties'  
17 attorney or counsel connected with the action, nor am I  
18 financially interested in the action.

19 DATED THIS 29th day of July, 2011.

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JANE FAUROT, RPR  
Official FPSC Hearings Reporter  
(850) 413-6732