

VOTE SHEET

October 4, 2011

Docket No. 100085-WU – Application for certificate to operate water utility in Lake County by Black Bear Reserve Water Corporation.

(Proposed Agency Action for Issues 3, 5, 6, and 7.)

Issue 1: Should the Commission order Black Bear Water Reserve Corporation 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. Black Bear should not be ordered to show cause for operating a water utility without a certificate of authorization.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners on four horizontal lines.

Four horizontal lines for dissenting signatures, currently blank.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE
07236 OCT-5 =
FPSC-COMMISSION CLERK

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Issue 2: Should the Joint Motion Requesting Commission Approval of Stipulation and Settlement Agreement and the application of Black Bear Water Reserve Corporation for a water certificate be approved?

Recommendation: Yes. The Joint Motion Requesting Commission Approval of Stipulation and Settlement Agreement appended as Attachment A of staff's memorandum dated September 22, 2011, should be approved and Black Bear should be granted Certificate No. 654-W to serve the territory described in Attachment B, effective the date of the Commission's vote. The resultant order should serve as the Utility's water certificate and it should be retained by the Utility.

APPROVED

Issue 3: Should Black Bear's request for a refund of its 2010 RAFs be granted?

Recommendation: No. Pursuant to Sections 367.145 and 350.113, F.S., each utility subject to Commission jurisdiction is required to submit annual reports and remit RAFs. Since Black Bear was jurisdictional during 2010, it should be required to file an annual report and to remit RAFs for 2010. In addition, Black Bear should continue to be required to file all future annual reports and remit all future RAFs by March 31 of each year.

APPROVED

Issue 4: Should the potable water service rates in effect at the time this application was filed be approved?

Recommendation: Yes. Black Bear's potable water service rates in effect at the time this application was filed and shown on Schedule No. 1 of staff's memorandum dated September 22, 2011, should be approved, adjusted for the statutory pass-through of RAFs, effective September 19, 2011, also shown on Schedule No. 1. The Utility should be required to charge its approved rates until authorized to change them by this Commission in a subsequent proceeding.

APPROVED

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Issue 5: Should the Utility's proposed service availability policy and charges be approved?

Recommendation: Yes. The Utility's proposed service availability policy described in staff analysis and service availability charges shown on Schedule No. 1 of staff's memorandum dated September 22, 2011, are consistent with the guidelines contained in Rule 25-30.580(1)(a), F.A.C., and should be approved. Black Bear should be required to apply its approved service availability policy and to collect its approved service availability charges until authorized to change them by this Commission in a subsequent proceeding. The approved policy and charges should be effective for services rendered on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475(1), F.A.C.

APPROVED

Issue 6: Should the Utility's proposed tariff requirements for the location and testing of backflow prevention assemblies and its proposed testing charge be approved?

Recommendation: Black Bear's proposed tariff requirements for the location and testing of backflow prevention assemblies, and its proposed testing charge of \$35 or less, are reasonable and should be approved. When available, the lesser charge should be applied to all customers who choose to have the backflow prevention assembly test performed by the Utility's certified contractor, as well as to all customers who fail to have the test performed within the prescribed time-frame. Black Bear's request to charge a premises visit charge of \$16 when backflow prevention assemblies are being moved from the Utility's to the customer's side of the meter should be denied. Black Bear should be required to apply its approved tariff requirements and to collect its approved charge until authorized to change them by this Commission in a subsequent proceeding. The Utility should be required to file a proposed customer notice to reflect the Commission-approved tariff requirements and charge. The approved tariff requirements and Utility's testing charge should be effective for services rendered on or after the stamped approval date of the tariff sheets, pursuant to Rule 25-30.475(1), F.A.C. In addition, the approved tariff provisions and charge should not be implemented until staff has approved the proposed customer notice. The Utility should provide proof of the date notice was given within ten days after the date of the notice.

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Issue 7: Should Black Bear's request for authority to collect initial customer deposits and to apply certain miscellaneous service charges be approved?

Recommendation: Yes. Black Bear's request for authority to collect initial customer deposits and certain miscellaneous service charges shown on Schedule No. 1 of staff's memorandum dated September 22, 2011, should be approved. Black Bear should be required to collect the approved charges until authorized to change them by this Commission in a subsequent proceeding. The Utility should be required to file a proposed customer notice to reflect the Commission-approved charges for initial customer deposits and miscellaneous service charges. The approved charges should be effective for services rendered on or after the stamped approval date of the tariff sheets, pursuant to Rule 25-30.475(1), F.A.C. In addition, the approved charges should not be implemented until staff has approved the proposed customer notice. The Utility should provide proof of the date notice was given within ten days after the date of the notice.

APPROVED

Issue 8: Should this docket be closed?

Recommendation: Yes. If no timely protest is filed by a substantially affected person to proposed agency action issues, a consummating order should be issued upon the expiration of the protest period. The docket should be closed upon the issuance of the consummating order and verification that notice has been given to customers of the Commission-approved charges.

APPROVED