

Angela Charles

From: Kathy Shoaf
Sent: Friday, October 09, 2015 3:29 PM
To: Braulio Baez; Lisa Harvey; Apryl Lynn; Cindy Muir; Charlie Beck; Mary Anne Helton; CLK - Agenda Staff; Commissioners & Staffs; Cissy Galloway; Bart Fletcher; Cheryl Bulecza-Banks; Andrew Maurey; Leslie Ames; Keino Young
Cc: Kate Hamrick; Terri Fleming
Subject: Request for Oral Modification to Item 4, Docket No. 140217-WU

Please see Approved Request for Oral Modification to Item 4 for October 13th Agenda.
Thank you.

Kathy Shoaf
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Florida Public Service Commission
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From: Braulio Baez
Sent: Friday, October 09, 2015 3:23 PM
To: Kathy Shoaf
Subject: FW: DRAFT ORAL MODIFICATION EMAIL FOR YOUR REVIEW

Approved

From: Andrew Maurey
Sent: Friday, October 09, 2015 3:04 PM
To: Kate Hamrick; Kathy Shoaf
Cc: Lisa Harvey; Braulio Baez; Mary Anne Helton
Subject: FW: DRAFT ORAL MODIFICATION EMAIL FOR YOUR REVIEW

Request for Oral Modification to Item 4, Docket No. 140217-WU- Application for staff-assisted rate case by Cedar Acres, Inc. scheduled for the October 13, 2015 agenda.

Subsequent to filing its recommendation, staff determined that revisions were necessary to the standard language regarding the terms and conditions for escrow agreements in Issues 11 and 12. Staff notes that these revisions do not impact the recommended revenue requirement. To account for these revisions, staff requests approval to make oral modifications to the Staff Analysis Section in Issues 11 and 12. The modifications are necessary to alleviate problems with opening escrow accounts and obtaining approval for processing withdrawals through the Office of the Commission Clerk. Given the minor nature of these modifications, staff believes this item should not be deferred as it would delay needed rate relief by this small water utility. The specific modifications are highlighted in type and strike format as follows:

1) **Page 24, Issue 11, Bullets (1) and (8)**

- (1) No monies in the escrow account may be withdrawn by the utility without the prior written authorization ~~express approval~~ of the Commission Clerk, or his or her designee;
The escrow account shall be an interest bearing account;
- (2) If a refund to the customers is required, all interest earned by the escrow account shall be distributed to the customers;
- (3) If a refund to the customers is not required, the interest earned by the escrow account shall revert to Cedar Acres;
- (4) All information on the escrow account shall be available from the holder of the escrow account to a Commission representative at all times;
- (5) The amount of revenue subject to refund shall be deposited in the escrow account within seven days of receipt;
- (6) This escrow account is established by the direction of the Florida Public Service Commission for the purpose(s) set forth in its order requiring such account. Pursuant to Cosentino v. Elson, 263 So. 2d 253 (Fla. 3d DCA 1972), escrow accounts are not subject to garnishments;
- (7) The Commission Clerk, or his or her designee, must be a signatory to the escrow agreement; and
- (8) The account must specify by whom and on whose behalf such monies were paid.

2) Page 27, Issue 12, Bullets (1) and (8)

- (1) No monies in the escrow account may be withdrawn by the utility without the prior written authorization ~~express approval~~ of the Commission Clerk, or his or her designee;
- (2) The escrow account shall be an interest bearing account;
- (3) If a refund to the customers is required, all interest earned by the escrow account shall be distributed to the customers;
- (4) If a refund to the customers is not required, the interest earned by the escrow account shall revert to Cedar Acres;
- (5) All information on the escrow account shall be available from the holder of the escrow account to a Commission representative at all times;
- (6) The amount of revenue subject to refund shall be deposited in the escrow account within seven days of receipt;
- (7) This escrow account is established by the direction of the Florida Public Service Commission for the purpose(s) set forth in its order requiring such account. Pursuant to Cosentino v. Elson, 263 So. 2d 253 (Fla. 3d DCA 1972), escrow accounts are not subject to garnishments;

- (8) The Commission Clerk, or his or her designee, must be a signatory to the escrow agreement; and,
- (9) The account must specify by whom and on whose behalf such monies were paid.

Andrew L. Maurey
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