

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Monday, December 10, 2012, 9:30 a.m.

LOCATION: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148

DATE ISSUED: November 30, 2012

NOTICE

Persons affected by Commission action on certain items on this agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at this conference. These items are designated by double asterisks (**) next to the agenda item number.

To participate informally, affected persons need only appear at the agenda conference and request the opportunity to address the Commission on an item listed on agenda. Informal participation is not permitted: (1) on dispositive motions and motions for reconsideration; (2) when a recommended order is taken up by the Commission; (3) in a rulemaking proceeding after the record has been closed; or (4) when the Commission considers a post-hearing recommendation on the merits of a case after the close of the record. The Commission allows informal participation at its discretion in certain types of cases (such as declaratory statements and interim rate orders) in which an order is issued based on a given set of facts without hearing.

See Rule 25-22.0021, F.A.C., concerning Agenda Conference participation and Rule 25-22.0022, F.A.C., concerning oral argument.

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In accordance with the American with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD), Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

The Commission Conference has a live video broadcast the day of the conference, which is available from the PSC's Web site. Upon completion of the conference, the video will be available from the Web site by selecting *Conferences & Meeting Agendas*, then *Audio and Video Event Coverage*.

Table of Contents
Commission Conference Agenda
December 10, 2012

1**	Consent Agenda	2
2**	Docket No. 120265-TP – Proposed amendment of Rule 25-4.034, F.A.C., Tariffs, proposed adoption of Rule 25-4.0341, F.A.C., Filing of Service Schedules, and proposed repeal of Rule 25-24.825, F.A.C., Price List. (Deferred from the November 27, 2012, Commission Conference.).....	3
3**	Docket No. 120266-TP – Proposed amendment of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection, and proposed repeal of Rules 25-4.083, F.A.C., Preferred Carrier Freeze, and 25-24.845, F.A.C., Customer Relations. (Deferred from the November 27, 2012, Commission Conference.)	4
4**	Docket No. 120258-GU – Proposed amendment of Rule 25-7.0851, F.A.C., Backbilling, and adoption of Rule 25-7.0852, F.A.C., Unauthorized Use Relating to Gas Utilities.	5
5**	Docket No. 120252-EI – Revision to Rules 25-6.050, Location of Meters, and 25-6.100, Customer Billings, F.A.C.....	6
6**	Docket No. 120238-TP – Proposed repeal of Rule 25-24.585, Rules Incorporated; and Rule 25-24.835, Rules Incorporated, and proposed adoption of Rule 25-4.0051, Certificate Holder Information.	7
7**	Docket No. 110305-EI – Initiation of formal proceedings of Complaint No. 1006767E of Edward McDonald against Tampa Electric Company, for alleged improper billing.	8
8**PAA	Docket No. 120237-EU – Joint petition for approval of territorial agreement in Alachua County by Central Florida Electric Cooperative, Inc., and City of Newberry, a Florida municipal corporation.....	9
9**	Docket No. 120262-TC – Proposed revisions to pay telephone Rules 25-24.510, 25-24.511, 25-24.512, 25-24.514 and 25-24.515, F.A.C.....	10
10**PAA	Docket No. 120037-WS – Application for increase in water and wastewater rates in Lake County by Utilities, Inc. of Pennbrooke.	11
11**	Docket No. 120263-EI – Petition for approval to modify demonstration project consisting of proposed time-of-use and interruptible rate schedules and corresponding fuel rates in the Northwest Division, by Florida Public Utilities Company.	15
12**PAA	Docket No. 120229-GU – Petition of the Florida Division of Chesapeake Utilities Corporation for approval of special contract with Suwannee American Cement LLC.	16

Table of Contents
Commission Conference Agenda
December 10, 2012

13**	Docket No. 120157-WS – Request by Aqua Utilities Florida, Inc. to establish residential wastewater only rates.	17
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ITEM NO.

CASE

1**

Consent Agenda

PAA

A) Docket No. 120292-GU – Chesapeake Utilities Corporation (Company) seeks authority to issue common stock, preferred stock and secured and/or unsecured debt, and to enter into agreements for interest rate swap products, equity products and other financial derivatives, and to issue short-term borrowings in 2013.

The Company seeks authority to issue during calendar year 2013: up to 5,868,334 shares of Chesapeake common stock, up to 1,000,000 shares of Chesapeake preferred stock, up to \$137 million in secured and/or unsecured debt, to enter into agreements up to \$70 million in Interest Rate Swap Products, Equity Products and other financial derivatives, and to issue short-term obligations in an amount not to exceed \$140 million.

Chesapeake Utilities Corporation allocates funds to the Florida Division, Florida Public Utilities, and Indiantown Gas Company on an as-needed basis, although in no event would such allocations exceed 75 percent of the proposed equity securities (common stock and preferred stock), long-term debt, short-term debt, interest rate swap products, equity products, and financial derivatives.

Recommendation: The Commission should approve the action requested in the docket referenced above. For monitoring purposes, this docket should remain open until April 25, 2014, to allow the Company time to file the required Consummation Report.

ITEM NO.

CASE

2**

Docket No. 120265-TP – Proposed amendment of Rule 25-4.034, F.A.C., Tariffs, proposed adoption of Rule 25-4.0341, F.A.C., Filing of Service Schedules, and proposed repeal of Rule 25-24.825, F.A.C., Price List. (Deferred from the November 27, 2012, Commission Conference.)

Rule Status: Proposed

Commissioners Assigned: All Commissioners

Prehearing Officer: Balbis

Staff: GCL: Gervasi

ECO: McNulty

TEL: Bates

Issue 1: Should the Commission propose the amendment of Rule 25-4.034, F.A.C., Tariffs, the adoption of Rule 25-4.0341, F.A.C., Filing of Service Schedules, and the repeal of Rule 25-24.825, F.A.C., Price List?

Recommendation: Yes, the Commission should propose the amendment of Rule 25-4.034, F.A.C., the adoption of Rule 25-4.0341, F.A.C., and the repeal of Rule 25-24.825, F.A.C., as set forth in Attachment A of staff's memorandum dated November 13, 2012.

Issue 2: Should this docket be closed?

Recommendation: Yes, if no requests for hearing or comments are filed, the amendment of Rule 25-4.034, adoption of Rule 25-4.0341, and repeal of Rule 25-24.825, as proposed, should be filed for adoption with the Secretary of State and the docket should be closed.

ITEM NO.

CASE

3**

Docket No. 120266-TP – Proposed amendment of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection, and proposed repeal of Rules 25-4.083, F.A.C., Preferred Carrier Freeze, and 25-24.845, F.A.C., Customer Relations. (Deferred from the November 27, 2012, Commission Conference.)

Rule Status: Proposed

Commissioners Assigned: All Commissioners

Prehearing Officer: Balbis

Staff: GCL: Gervasi

ECO: McNulty

TEL: Bates

Issue 1: Should the Commission propose the amendment of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection, and the repeal of Rules 25-4.083, F.A.C., Preferred Carrier Freeze, and 25-24.845, F.A.C., Customer Relations?

Recommendation: Yes, the Commission should propose the amendment of Rule 25-4.118, F.A.C., and the repeal of Rules 25-4.083 and 25-24.845, F.A.C., as set forth in Attachment A of staff's memorandum dated November 13, 2012.

Issue 2: Should this docket be closed?

Recommendation: Yes, if no requests for hearing or comments are filed, the amendment of Rule 25-4.118, F.A.C., and the repeal of Rules 25-4.083 and 25-24.845, F.A.C., as proposed, should be filed for adoption with the Secretary of State and the docket should be closed.

ITEM NO.

CASE

4**

Docket No. 120258-GU – Proposed amendment of Rule 25-7.0851, F.A.C., Backbilling, and adoption of Rule 25-7.0852, F.A.C., Unauthorized Use Relating to Gas Utilities.

Rule Status: Proposed

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: GCL: Miller

ECO: Rome, Draper

Issue 1: Should the Commission propose the amendment of Rule 25-7.0851, F.A.C., Underbillings and Overbillings, and the adoption of new Rule 25-7.0852, F.A.C., Unauthorized Use?

Recommendation: Yes. The Commission should propose the amendment of Rule 25-7.0851, F.A.C., and the adoption of new Rule 25-7.0852, F.A.C., as set forth in Attachment A of staff's memorandum dated November 29, 2012.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no requests for hearing or comments are filed, the rules should be filed with the Department of State, and the docket should be closed.

ITEM NO.

CASE

5**

Docket No. 120252-EI – Revision to Rules 25-6.050, Location of Meters, and 25-6.100, Customer Billings, F.A.C.

Rule Status: Proposed

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: GCL: Miller

ECO: McNulty

Issue 1: Should the Commission propose the amendment of Rule 25-6.050, F.A.C, Location of Meters, and Rule 25-6.100, F.A.C, Customer Billings?

Recommendation: Yes, the Commission should propose the amendment of Rules 25-6.050 and 25-6.100, as set forth in Attachment A of staff's memorandum dated November 29, 2012.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no requests for hearing or comments are filed, the rules should be filed with the Department of State, and the docket should be closed.

ITEM NO.

CASE

6**

Docket No. 120238-TP – Proposed repeal of Rule 25-24.585, Rules Incorporated; and Rule 25-24.835, Rules Incorporated, and proposed adoption of Rule 25-4.0051, Certificate Holder Information.

Rule Status: Proposed

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: GCL: Miller

ECO: King

TEL: Salak

Issue 1: Should the Commission propose the repeal of Rule 25-24.585, F.A.C., Rules Incorporated, and Rule 25-24.835, F.A.C., Rules Incorporated, and propose the adoption of Rule 25-4.0051, F.A.C., New Certificate Holder Information?

Recommendation: Yes, the Commission should propose the repeal of Rules 25-24.585 and 25-24.835 and the adoption of Rule 25-4.0051 as set forth in Attachment A of staff's memorandum dated November 29, 2012.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no requests for hearing or comments are filed, the rules should be filed with the Department of State, and the docket should be closed.

ITEM NO.

CASE

7**

Docket No. 110305-EI – Initiation of formal proceedings of Complaint No. 1006767E of Edward McDonald against Tampa Electric Company, for alleged improper billing.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Balbis

Staff: GCL: Robinson

CAO: Forsman, Hicks

ECO: Draper

Issue 1: Should the Commission grant the Request for Oral Argument?

Recommendation: No. Oral Argument will not aid the Commission and should be denied. However, if the Commission grants oral argument, staff recommends that the time granted be limited to five minutes per side.

Issue 2: What actions should the Commission take regarding the Motion for Reconsideration, Motion to Stay the Proceedings, Motion to Strike, and Complaint Regarding Interruption of Services?

Recommendation: The Commission should deny Mr. McDonald's Motion for Reconsideration for failure to identify any errors or omissions in Order No. PSC-12-0485-FOF-EI that require modification to or reversal of the order. The Commission should deny the Motion to Stay the Proceedings and the Motion to Strike as the Motions fail to demonstrate any legal basis for staying the proceedings or striking TECO's responses. The Commission should dismiss Mr. McDonald's complaint regarding interruption of services with prejudice as moot since his services were reconnected. The complaint is also barred by the Doctrine of Administrative Finality.

Issue 3: Should the docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendations on Issues 1 and 2, then this docket should be closed.

ITEM NO.

CASE

8**PAA

Docket No. 120237-EU – Joint petition for approval of territorial agreement in Alachua County by Central Florida Electric Cooperative, Inc., and City of Newberry, a Florida municipal corporation.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: GCL: M. Brown

ECO: King

ENG: Ellis, Watts

Issue 1: Should the Commission approve the joint petition for approval of the territorial agreement in Alachua County between CFEC and Newberry?

Recommendation: Yes. The territorial agreement between CFEC and Newberry will not cause a detriment to the public interest; therefore, it should be approved.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no person whose interests are substantially affected timely files a protest to the Commission's Proposed Agency Action Order, this docket should be closed upon issuance of a Consummating Order.

ITEM NO.

CASE

9**

Docket No. 120262-TC – Proposed revisions to pay telephone Rules 25-24.510, 25-24.511, 25-24.512, 25-24.514 and 25-24.515, F.A.C.

Rule Status: Proposed

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: GCL: Miller

IDM: Rome

TEL: Beard, Casey

Issue 1: Should the Commission propose the repeal of Rule 25-24.510, F.A.C., Certificate of Public Convenience and Necessity Required, and the amendment of Rules 25-24.511, F.A.C., Application for Certificate, 25-24.512, F.A.C., Application for Approval of Sale, Assignment or Transfer of Certificate, 25-24.514, F.A.C., Cancellation of a Certificate, and 25-24.515, F.A.C., Pay Telephone Service.

Recommendation: Yes. The Commission should propose the repeal of Rule 25-24.510 and the amendment of Rules 25-24.511, 25-24.512, 25-24.514, and 25-24.515, as set forth in Attachment A of staff's memorandum dated November 29, 2012.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no requests for hearing or comments are filed, the rules should be filed with the Department of State, and the docket should be closed.

ITEM NO.

CASE

10**PAA

Docket No. 120037-WS – Application for increase in water and wastewater rates in Lake County by Utilities, Inc. of Pennbrooke.

Critical Date(s): 5-Month Effective Date Waived Through December 10, 2012.

Commissioners Assigned: All Commissioners

Prehearing Officer: Brown

Staff: AFD: M. Brown, Fletcher, Maurey

ECO: Lingo

ENG: Rieger

GCL: Lawson

(Proposed Agency Action Except for Issue Nos. 19 & 20.)

Issue 1: Is the quality of service provided by Utilities, Inc. of Pennbrooke satisfactory?

Recommendation: Yes. The overall quality of service provided by Pennbrooke is satisfactory. However, due to localized water pressure concerns and the water quality aesthetics, staff recommends that Pennbrooke continue to engage the customers to discuss potential options and associated costs.

Issue 2: Should the audit adjustments to rate base and operating expense to which the Utility and staff agree be made?

Recommendation: Yes. Based on the audit adjustments agreed to by the Utility and staff, the adjustments should be made to rate base and net operating expense as set forth in the analysis portion of staff's memorandum dated November 29, 2012.

Issue 3: Should any adjustment be made to the Utility's Project Phoenix Financial / Customer Care Billing System (Phoenix Project)?

Recommendation: Yes. Plant should be reduced by \$12,251 for water and \$9,814 for wastewater. Corresponding adjustments should be made to increase accumulated depreciation by \$5,012 for water and \$4,147 for wastewater and to decrease depreciation expense by \$1,562 for water and \$1,262 for wastewater. O&M expenses should be decreased by \$2,623 for water and \$2,189 for wastewater. In addition, consistent with the Commission's previous decisions, Pennbrooke should be authorized to create a regulatory asset or liability for costs associated with the Phoenix Project, and to accrue interest on the regulatory asset or liability at the 30-day commercial paper rate until the establishment of rates in Pennbrooke's next rate proceeding. Furthermore, the regulatory asset or liability should be amortized over four years.

Issue 4: Should any adjustments be made to the Utility's pro forma plant?

Recommendation: Yes. Plant should be reduced by \$386,696 for water. In addition, corresponding adjustments should be made to increase accumulated depreciation by \$19,461, decrease depreciation expense by \$13,006, and increase TOTI by \$163. Finally, accumulated deferred income taxes (ADITs) should be increased by \$5,907.

ITEM NO.

CASE

10**PAA

Docket No. 120037-WS – Application for increase in water and wastewater rates in Lake County by Utilities, Inc. of Pennbrooke.

(Continued from previous page)

Issue 5: What are the used and useful percentages for the Utility's water and wastewater systems?

Recommendation: The Utility's water and wastewater systems are 100 percent used and useful (U&U).

Issue 6: What is the appropriate working capital allowance?

Recommendation: The appropriate working capital allowance is \$36,249 for water and \$36,233 for wastewater. As such, the working capital allowance should be decreased by \$701 for water and increased by \$1,619 for wastewater.

Issue 7: What is the appropriate rate base for the test year ended September 30, 2011?

Recommendation: The appropriate simple average rate base for the test year ended September 30, 2011, is \$724,794 for water and \$1,184,747 for wastewater.

Issue 8: What is the appropriate return on equity?

Recommendation: Based on the Commission leverage formula currently in effect, the appropriate return on equity (ROE) is 10.37 percent with an allowed range of plus or minus 100 basis points.

Issue 9: What is the appropriate weighted average cost of capital including the proper components, amounts, and cost rates associated with the capital structure?

Recommendation: The appropriate weighted average cost of capital for the test year ended September 30, 2011 is 7.89 percent.

Issue 10: Should any adjustment be made to the Utility's salaries and wages expense?

Recommendation: Yes. O&M expense should be reduced by \$34,536 and \$18,471 for water and wastewater, respectively. Further, corresponding adjustments should be made to reduce payroll taxes by \$2,149 and \$1,149 for water and wastewater, respectively.

Issue 11: Should further adjustments be made to the Utility's O&M expense?

Recommendation: Yes. O&M expense should be reduced by \$11,205 for water and \$2,390 for wastewater to reflect the appropriate level of purchased power expense, regulatory commission expense, bad debt expense, and miscellaneous expenses.

Issue 12: Should an adjustment be made to recognize unamortized rate case expense from the Utility's prior rate case?

Recommendation: Yes. O&M expenses should be reduced by \$10,815 for water and \$8,708 for wastewater.

Issue 13: What is the appropriate amount of rate case expense for the current case?

Recommendation: The appropriate amount of rate case expense is \$49,814. This expense should be recovered over four years for an annual expense of \$12,453, or \$6,788 for water and \$5,665 for wastewater. Therefore, annual rate case expense should be reduced by \$24,431 for water and \$20,388 for wastewater from the amounts requested in the Utility's MFRs.

ITEM NO.

CASE

10**PAA

Docket No. 120037-WS – Application for increase in water and wastewater rates in Lake County by Utilities, Inc. of Pennbrooke.

(Continued from previous page)

Issue 14: What are the appropriate revenue requirements?

Recommendation: The following revenue requirement should be approved.

	Test Year		Revenue	
	<u>Revenue</u>	<u>\$ Increase</u>	<u>Requirement</u>	<u>% Increase</u>
Water	\$491,577	\$4,687	\$496,264	0.95%
Wastewater	\$488,477	\$56,445	\$544,922	11.56%

Issue 15: What are the appropriate rate structures for the Utility's water and wastewater systems?

Recommendation: The appropriate rate structure for the water system's residential class is a continuation of its four-tier inclining block rate structure, with no changes being made to the monthly consumption usage blocks of: a) 0-3 kgals, b) 3.001-6 kgals, c) 6.001-12 kgals, and d) for all usage in excess of 12 kgals. The usage block rate factors in the second, third and fourth usage blocks should change to 1.0, 1.23 and 1.48, respectively. The appropriate rate structure for all non-residential classes is a continuation of the BFC/uniform gallonage charge rate structure. The appropriate rate structure for the wastewater system is a continuation of the BFC/gallonage charge rate structure. The residential wastewater gallonage cap for monthly consumption should remain at 6 kgals, while the general service gallonage charge should remain 1.2 times greater than the corresponding residential charge.

Issue 16: Is a repression adjustment for the water system appropriate in this case, and, if so, what is the appropriate adjustment?

Recommendation: No, a repression adjustment is not appropriate in this case.

Issue 17: What are the appropriate water and wastewater rates for the Utility?

Recommendation: The appropriate water and wastewater rates are shown in Schedule Nos. 4-A and 4-B, respectively, of staff's memorandum dated November 29, 2012. Excluding miscellaneous service revenues, the recommended rates are designed to produce total Utility revenues of \$494,962 for the water system and \$543,835 for the wastewater system. The Utility should file revised tariff sheets and a proposed customer notice to reflect the Commission-approved rates. The approved rates should be effective for service rendered on or after the stamped approval date of the revised tariff sheets, pursuant to Rule 25-30.475(1), F.A.C. In addition, the rates should not be implemented until staff has approved the proposed customer notice. The Utility should provide proof of the date the notice was given within 10 days of the date of the notice.

ITEM NO.

CASE

10**PAA

Docket No. 120037-WS – Application for increase in water and wastewater rates in Lake County by Utilities, Inc. of Pennbrooke.

(Continued from previous page)

Issue 18: In determining whether any portion of the current water revenue held subject to refund should be refunded, how should the refund be calculated, and what is the amount of the refund, if any?

Recommendation: Based on the staff recommendation in other issues, there is no refund required for water. Therefore, the corporate undertaking should be released.

Issue 19: What is the appropriate amount by which rates should be reduced four years after the established effective date to reflect the removal of the amortized rate case expense as required by Section 367.0816, Florida Statutes?

Recommendation: The rates should be reduced as shown on Schedule Nos. 4-A and 4-B of staff's recommendation dated November 29, 2012, to remove \$7,178 for water and \$5,991 for wastewater related the annual rate case expense, grossed up for RAFs, which is being amortized over a four-year period. The decrease in rates should become effective immediately following the expiration of the four-year rate case expense recovery period, pursuant to Section 367.0816, F.S. The Utility should be required to file revised tariffs and a proposed customer notice setting forth the lower rates and the reason for the reduction no later than one month prior to the actual date of the required rate reduction.

Issue 20: Should the Utility be required to provide proof, within 90 days of an effective order finalizing this docket, that it has adjusted its books for all the applicable National Association of Regulatory Utility Commissioners (NARUC) Uniform System of Accounts (USOA) primary accounts associated with the Commission-approved adjustments?

Recommendation: Yes. To ensure that the Utility adjusts its books in accordance with the Commission's decision, Pennbrooke should provide proof, within 90 days of the final order in this docket, that the adjustments for all the applicable NARUC USOA primary accounts have been made.

Issue 21: Should this docket be closed?

Recommendation: No. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, a consummating order will be issued. The docket should remain open for staff's verification that the revised tariff sheets and customer notice have been filed by the Utility and approved by staff. Once these actions are complete, this docket should be closed administratively.

ITEM NO.

CASE

11**

Docket No. 120263-EI – Petition for approval to modify demonstration project consisting of proposed time-of-use and interruptible rate schedules and corresponding fuel rates in the Northwest Division, by Florida Public Utilities Company.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Rome, Draper

GCL: Klancke

(12/21/12 (60-Day Suspension Date))

Issue 1: Should the proposed tariff modifications be suspended?

Recommendation: Yes.

Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open pending the Commission's final decision on the proposed tariff modifications.

ITEM NO.

CASE

12**PAA

Docket No. 120229-GU – Petition of the Florida Division of Chesapeake Utilities Corporation for approval of special contract with Suwannee American Cement LLC.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: ECO: Garl, Hudson

ENG: Ellis

GCL: M. Brown

Issue 1: Should the Commission approve the special contract between the Florida Division of Chesapeake Utilities Corporation and Suwannee American Cement, LLC?

Recommendation: Yes. The Commission should approve the special contract between Chesapeake and Suwannee, effective the date of the Commission vote in this matter.

Issue 2: Should this docket be closed?

Recommendation: Yes. If no protest is filed by a person whose substantial interests are affected within 21 days of the issuance of the Order, this docket should be closed upon the issuance of a Consummating Order.

ITEM NO.

CASE

13**

Docket No. 120157-WS – Request by Aqua Utilities Florida, Inc. to establish residential wastewater only rates.

Critical Date(s): January 1, 2013

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECO: Lingo

GCL: Klancke

Issue 1: Should AUF's request for RWO rates applicable to all systems within each of the two residential wastewater rate bands be approved, and, if so, should AUF's proposed tariff sheets reflecting the requested RWO rates be approved?

Recommendation: Yes, AUF's request for RWO rates applicable to all systems within each residential wastewater rate band should be approved. However, AUF's proposed tariff sheets should not be approved as filed. The appropriate RWO rate is \$44.40 for rate band one, and \$61.84 for rate band 2. The Utility should be required to file revised tariff sheets reflecting the Commission's approved rates. Provided the affected customers have received proper notice, the approved rates should be effective for service rendered on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475(1), Florida Administrative Code (F.A.C.). The Utility should provide proof to staff of the date notice was given within 10 days after the date of the notice.

Issue 2: Should this docket be closed?

Recommendation: Yes. If Issue 1 is approved, the tariffs should become effective on or after the stamped approval date on the tariff sheets, in accordance with Rule 25-30.475, F.A.C. If a protest is filed within 21 days of the issuance of the Order, the tariff should remain in effect, with all residential wastewater only charges held subject to refund pending resolution of the protest. If no timely protest is filed, this docket should be closed.