

MINUTES OF April 7, 2009

COMMISSION CONFERENCE

COMMENCED: 9:30 am
RECESSED: 10:11 am
RECONVENED: 10:28 am
RECESSED: 10:56 am
RECONVENED: 11:12 am
RECESSED: 11:45 am
RECONVENED: 12:10 pm
ADJOURNED: 1:58 pm

COMMISSIONERS PARTICIPATING: Chairman Carter
Commissioner Edgar
Commissioner McMurrian
Commissioner Argenziano
Commissioner Skop

Parties were allowed to address the Commission on items designated by double asterisks (**).

1

Approval of Minutes

February 24, 2009 Special Commission Conference

DECISION: The minutes were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

2**

Consent Agenda

PAA

A) Applications for certificates to provide competitive local exchange telecommunications service.

DOCKET NO.

COMPANY NAME

090094-TX

DIGITALIPVOICE, INC.

090123-TX

Lightspeed CLEC, Inc.

PAA

B) Request for cancellation of a competitive local exchange telecommunications certificate.

DOCKET NO.

COMPANY NAME

**EFFECTIVE
DATE**

090058-TP

Xfone USA, Inc.

12/31/2008

Recommendation: The Commission should approve the action requested in the dockets referenced above and close these dockets.

DECISION: The recommendation was approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

3**PAA

Docket No. 090076-TI – Petition for waiver of carrier selection requirements of Rule 25-4.118, F.A.C., to allow Startec Global Operating Company to transfer long distance customer accounts to Americatel Corporation; and request for cancellation of IXC Registration No. TK051, effective on consummation of transaction.

Critical Date(s):	None
Commissioners Assigned:	All Commissioners
Prehearing Officer:	Administrative
Staff:	RCP: Watts GCL: Murphy

Issue 1: Should the Commission approve the request for waiver of the carrier selection requirements of Rule 25-4.118, F.A.C., in the transfer of STARTEC Global Operating Company’s customers to Americatel Corporation d/b/a 1010 123 Americatel d/b/a 10-15-688 AMETEX d/b/a 1 800 3030 123 Americatel Collect?

Recommendation: Yes, the Commission should approve the request for waiver of the carrier selection requirements of Rule 25-4.118, F.A.C. Any waiver approved by the Commission should only apply to the specific set of customers identified in the petition. The petitioners should be required to provide the Commission notification of the actual date when the transaction is consummated. If for any reason the transaction is not consummated, any waiver approved by the Commission shall be null and void.

Issue 2: Should this docket be closed?

Recommendation: 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, this order should become final upon issuance of a consummating order. This docket should remain open pending notification from the company of the completion of its merger transaction and the cancellation of IXC Registration No. TK051. Upon completion of these actions, this docket should be closed administratively. If, for any reason, the transaction is not consummated, this docket should be closed administratively.

DECISION: The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

4**

Docket No. 090106-TX – Investigation and determination of appropriate method for refunding apparent overcharges by Image Access, Inc. d/b/a NewPhone, Inc. due to overbilling on TASA fees.

Critical Date(s):	None
Commissioners Assigned:	All Commissioners
Prehearing Officer:	Administrative
Staff:	RCP: Watts, Beard ECR: Livingston GCL: Brooks

Issue 1: Should the Commission accept Image Access, Inc. d/b/a NewPhone, Inc.’s proposal to issue a refund of \$2,164.16, plus interest in the amount of \$113.29, for a total of \$2,277.45, to the affected customers during the April 2009 billing cycle; require the company to remit any unrefundable monies to the Commission by August 31, 2009, for deposit in the General Revenue Fund; and require the company to submit a refund report by August 31, 2009, to the Commission stating, (1) how much was refunded to its customers, (2) the total number of customers receiving refunds, and (3) the amount of money determined to be unrefundable?

Recommendation: Yes, the Commission should accept Image Access’s refund proposal.

Issue 2: Should this docket be closed?

Recommendation: The Order issued from this recommendation will be a proposed agency action. Thus, the Order will become final and effective upon issuance of the Consummating Order if no person whose substantial interests are affected timely files a protest within 21 days of issuance of this Order. The company should submit its final report, identified by docket number, by August 31, 2009. If any monies are not refunded, Image Access should submit payment of these monies to the Commission at the time it submits its final report, and the Commission shall deposit these monies in the General Revenue Fund. Upon receipt of the final report, this docket should be closed administratively if no timely protest has been filed.

DECISION: The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

5**

Docket No. 080109-TI – Compliance investigation of MP Alliance Technologies, Inc. for apparent violation of Rule 25-24.470, F.A.C.

Critical Date(s):	None
Commissioners Assigned:	All Commissioners
Prehearing Officer:	Administrative
Staff:	RCP: Curry GCL: McKay, Brooks

Issue 1: Should this docket be closed?

Recommendation: Yes, this docket should be closed.

DECISION: The recommendation was approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

6**PAA

Docket No. 090091-TC – Request for cancellation of PATS Certificate No. 8513 by Scala Hotel Group, LLC, effective February 26, 2009.

Critical Date(s):	None	
Commissioners Assigned:	All Commissioners	
Prehearing Officer:	Administrative	
Staff:	RCP: Isler	GCL: Brooks

Issue 1: Should the Commission deny Scala Hotel Group, LLC, a voluntary cancellation of pay telephone service (PATS) Certificate No. 8513 and cancel the certificate on the Commission’s own motion with an effective date of February 26, 2009?

Recommendation: Yes, the company should be denied a voluntary cancellation as listed on Attachment A of staff’s memorandum dated March 26, 2009.

Issue 2: Should this docket be closed?

Recommendation: Staff recommends that the Order issued from this recommendation will become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission’s decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If the company fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted and the right to a hearing waived. If the company pays the Regulatory Assessment Fee prior to the expiration of the Proposed Agency Action Order, then the cancellation of the company’s PATS certificate will be voluntary. If the company fails to pay the Regulatory Assessment Fee prior to the expiration of the Proposed Agency Action Order, then the company’s PATS certificate should be cancelled administratively, and the collection of the past due Regulatory Assessment Fee should be referred to the Florida Department of Financial Services for further collection efforts. If the company’s PATS certificate is cancelled in accordance with the Commission’s Order from this recommendation, the company should be required to immediately cease and desist providing telecommunications service in Florida. This docket should be closed administratively either upon receipt of the payment of the Regulatory Assessment Fee or upon cancellation of the company’s PATS certificate.

DECISION: The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

7**PAA

Docket No. 090032-TI – Bankruptcy cancellation by Florida Public Service Commission of IXC Registration No. TI904, issued to Integretel, Inc., effective December 31, 2008.

Critical Date(s):	None	
Commissioners Assigned:	All Commissioners	
Prehearing Officer:	Administrative	
Staff:	RCP: Isler GCL: McKay	

Issue 1: Should the Commission grant Integretel, Inc., as listed in Attachment A of staff's memorandum dated March 26, 2009, cancellation of its IXC tariff and remove its name from the register with an effective date of December 31, 2008, due to bankruptcy; direct the Division of Administrative Services to request permission from the Florida Department of Financial Services to write off any unpaid Regulatory Assessment Fees, including statutory late payment charges, instead of requesting collection services; and require the company to immediately cease and desist providing telecommunications service in Florida?

Recommendation: Yes, the company should be granted a bankruptcy cancellation of its IXC tariff and Registration No. TI904 with an effective date of December 31, 2008.

Issue 2: Should this docket be closed?

Recommendation: Yes, this docket should be closed if no protest is filed and upon issuance of a Consummating Order.

DECISION: The recommendations were approved. Staff was directed to review internal practices.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

8**PAA

Docket No. 090077-TI – Acknowledgment of cancellation of IXC Registration No. TJ719 by ProNet Communications, Incorporated, effective February 9, 2009.

Critical Date(s):	None
Commissioners Assigned:	All Commissioners
Prehearing Officer:	Administrative
Staff:	RCP: Isler GCL: McKay

Issue 1: Should the Commission deny ProNet Communications, Incorporated a voluntary cancellation of its intrastate interexchange telecommunications carrier (IXC) tariff and Registration No. TJ719, and cancel the tariff and remove the company's name from the register on the Commission's own motion with an effective date of February 9, 2009?

Recommendation: Yes, ProNet Communications, Incorporated should be denied a voluntary cancellation as listed on Attachment A of staff's memorandum dated March 26, 2009.

ITEM NO.

CASE

8**PAA

Docket No. 090077-TI – Acknowledgment of cancellation of IXC Registration No. TJ719 by ProNet Communications, Incorporated, effective February 9, 2009.

(Continued from previous page)

Issue 2: Should this docket be closed?

Recommendation: Staff recommends that the Order issued from this recommendation will become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If the company fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted and the right to a hearing waived. If the company pays the Regulatory Assessment Fees, including any applicable late payment charges, prior to the expiration of the Proposed Agency Action Order, then the cancellation of the company's tariff and the removal of its name from the register will be voluntary. If the company fails to pay the Regulatory Assessment Fees, including any accrued late payment charges, prior to the expiration of the Proposed Agency Action Order, then the company's IXC tariff should be cancelled administratively and its name removed from the register, and the collection of the unpaid Regulatory Assessment Fees, including any accrued statutory late payment charges, should be referred to the Florida Department of Financial Services for further collection efforts. If the company's IXC tariff is cancelled and its name removed from the register in accordance with the Commission's Order from this recommendation, the company should be required to immediately cease and desist providing telecommunications service in Florida. This docket should be closed administratively either upon receipt of the payment of the Regulatory Assessment Fees, including any accrued statutory late payment charges, or upon cancellation of the company's IXC tariff and removal of its name from the register.

DECISION: The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

9**PAA

Docket No. 080716-TI – Acknowledgment of cancellation of IXC Registration No. TK036 by TS Telecommunications, Inc. d/b/a CrossFone, effective December 18, 2008.
Docket No. 080717-TI – Acknowledgment of cancellation of IXC Registration No. TK118 by Latin Node, Inc., effective December 18, 2008.
Docket No. 080718-TI – Acknowledgment of cancellation of IXC Registration No. TK170 by Total Solutions Telecom Inc., effective December 18, 2008.

Critical Date(s):	None	
Commissioners Assigned:	All Commissioners	
Prehearing Officer:	Administrative	
Staff:	RCP: Isler GCL: McKay	

Issue 1: Should the Commission cancel TS Telecommunications, Inc. d/b/a CrossFone, Latin Node, Inc., and Total Solutions Telecom Inc.’s, Intrastate Interexchange Telecommunications (IXC) tariffs and remove each company’s name from the register on its own motion effective December 18, 2008, due to the Assignment for the Benefit of Creditors proceeding; direct the Division of Administrative Services to request permission from the Florida Department of Financial Services to write off any unpaid Regulatory Assessment Fees, including statutory late payment charges, instead of requesting collection services; and require the company to immediately cease and desist providing telecommunications service in Florida?

Recommendation: Yes, each entity’s IXC tariff and registration should be cancelled on the Commission’s own motion as listed on Attachment A of staff’s memorandum dated March 26, 2009.

Issue 2: Should these dockets be closed?

Recommendation: Yes, these dockets should be closed if no protest is filed and upon issuance of a Consummating Order.

DECISION: The recommendations were approved. Staff was directed to review internal practices and to preserve the State’s interests.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

10**PAA

Docket No. 090047-EM – Request for approval of electric utilities' long-term energy emergency plans, filed pursuant to Rule 25-6.0185, F.A.C.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: SGA: Garl, Matthews

GCL: Fleming

Issue 1: Should the current long-term energy emergency plans be approved?

Recommendation: Yes. After a thorough review of the utilities' long-term energy emergency plans, staff believes that all plans meet the established requirements set out in Rule 25-6.0185, F.A.C. Changes to the plans primarily consist of position name and duty changes as well as personnel name updates.

Issue 2: When should affected utilities file a compliance letter or plan update?

Recommendation: Each affected utility should file with the Commission Clerk the next plan update, or letter indicating no changes, no later than January 31, 2012, and every three-calendar years thereafter. Each plan update should include a clean copy and a type-and-strike version which clearly indicates changes to the plan.

Issue 3: Should this docket be closed?

Recommendation: 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, this docket should be closed upon the issuance of a consummating order.

DECISION: The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrin, Argenziano, Skop

ITEM NO.

CASE

11**

Docket No. 090001-EI – Fuel and purchased power cost recovery clause with generating performance incentive factor. (Tampa Electric Company)

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: McMurrian

Staff: ECR: Lester, Giles, Matlock, Draper, Roberts

GCL: Bennett, Saylor

Issue 1: Should the Commission approve TECO's petition for mid-course corrections to its authorized fuel and purchased power cost recovery factors?

Recommendation: Yes. The Commission should approve the petition, with the modification recommended by staff that the final 2008 true-up of \$35,402,527 should be included in the mid-course correction.

Issue 2: What is the appropriate effective date for TECO's revised cost-recovery factors?

Recommendation: The revised fuel factors should go into effect May 7, 2009.

Issue 3: Should this docket be closed?

Recommendation: No. The Fuel and Purchased Power Cost Recovery Clause docket is an on-going docket and should remain open.

DECISION: The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

12**

Docket No. 080200-EI – Petition to modify tariff sheet No. 4.010 regarding underground commercial and industrial services by Progress Energy Florida, Inc.

Critical Date(s): 4/3/09 (12 month clock)

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: ECR: Kummer

GCL: Young

SGA: Garl

Issue 1: Should the Commission approve Progress Energy Florida's (PEF) proposal to clarify the Utility's point of delivery for commercial and industrial (C/I) underground services?

Recommendation: Yes. PEF's policy to require C/I customers to install and maintain their own underground facilities beyond the point of delivery is appropriate.

Issue 2: What relief, if any, should be granted to C/I customers who have incurred the cost of replacing conduit and equipment previously installed by PEF beyond the pad-mounted transformer, as a result of the change adopted in 1994 prior to formal approval of the tariff?

Recommendation: Based on the information available, Staff believes there is no basis to grant relief at this time. Only two complaints were filed. PEF reached a settlement on one complaint and it was withdrawn. The second complaint was filed by a consultant who has not alleged that he is directly affected by the change, and who did not identify any specific customer who is affected by the change. If affected customers come forward in the future, each complaint will be handled on a case by case basis.

Issue 3: Should this docket be closed?

Recommendation: Yes. If the Commission approves Staff's recommendation, the tariff should become effective on March 17, 2009. If no protest is received, a consummating order should be issued and the docket administratively closed. If a protest is filed within 21 days of the issuance of the order, this tariff should remain in effect, with any revenues held subject to refund, pending resolution of the protest.

DECISION: The recommendations were approved with the exception of Issue No. 2, which was modified at the Commission Conference.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

13 **Docket No. 080317-EI** – Petition for rate increase by Tampa Electric Company.

Critical Date(s): 4/13/09 (8-Month Effective Date)

Commissioners Assigned: All Commissioners
Prehearing Officer: Skop

Staff: ECR: Draper, Kummer
 GCL: Young, Brown

(Post-Hearing Decision - Participation is Limited to Commissioners and Staff)

Issue 101: What are the appropriate demand charges?

Recommendation: The appropriate demand charges are shown in Schedule 3 of staff's memorandum dated March 26, 2009. Staff requests that the Commission grant staff the authority to administratively approve the tariffs filed to implement the rates, charges, and credits presented in Schedule 3 of staff's memorandum dated March 26, 2009.

Issue 102: What are the appropriate Standby Service charges?

Recommendation: The appropriate Standby Service charges are shown in Schedule 3 of staff's memorandum dated March 26, 2009.

Issue 107: What are the appropriate energy charges?

Recommendation: The appropriate energy charges are shown in Schedule 3 of staff's memorandum dated March 26, 2009.

Issue 108: What changes in allocation and rate design should be made to TECO's rates established in Docket Nos. 080001-EI, 080002-EG, and 080007-EI, to recognize the decisions in various cost of service rate design issues in this docket? (Stipulated)

Recommendation: The methodology for adjusting the affected cost recovery clause factors was stipulated in **Issue 108. Pursuant to the stipulation, the revised factors are shown in Schedule 4 of staff's memorandum dated March 26, 2009, and should be approved. The revised factors should become effective May 7, 2009.**

New Issue 114A: How should the step increase in revenue requirements effective January 1, 2010, be collected from the customers?

Recommendation: The total step increase in revenue requirements should be allocated to all customer classes based on the cost of service study approved in this docket. The energy charge, or energy and demand for demand metered classes, and non-clause recoverable credits should be increased by the percentage increase in each class's revenue requirements. Staff further requests that the Commission grant staff the authority to approve the step increase rates administratively, once the dollar amount of the increase has been verified and staff has confirmed the new plant and facilities are in service by December 31, 2009.

ITEM NO.

CASE

13 **Docket No. 080317-EI** – Petition for rate increase by Tampa Electric Company.

(Continued from previous page)

Issue 114: Should this docket be closed?

Recommendation: The docket should be closed upon the expiration of the time for filing an appeal.

DECISION: The recommendations were approved with modification to Schedules SB1-1 and SBI-3. Commissioner Argenziano dissented on all issues. FIPUG's objection and the Company's response was not addressed.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

14**PAA

Docket No. 080649-EI – Petition to allow transportation fuel surcharge hedging by Progress Energy Florida, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Skop

Staff: ECR: Lester, Giles, Matlock

GCL: Brown

Issue 1: Should the Commission approve PEF's petition to include coal transportation fuel surcharges in its hedging activities?

Recommendation: Yes. The Commission should allow PEF to include coal transportation fuel surcharges in its hedging activities.

Issue 2: Should this docket be closed?

Recommendation: Yes. 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, this docket should be closed upon the issuance of a consummating order.

DECISION: The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

15**PAA

Docket No. 080548-GU – 2008 depreciation study by Florida Public Utilities Company.

Critical Date(s): Revenue Requirement Agenda for Docket No. 080366-GU - Petition for rate increase by Florida Public Utilities Company: Staff Recommendation Due 04/23/09 for 05/05/09 Agenda Conference.

Commissioners Assigned: All Commissioners

Prehearing Officer: Argenziano

Staff: ECR: Lee, Ollila

GCL: Jaeger

Issue 1: Should currently prescribed depreciation rates and recovery schedules of Florida Public Utilities Company be revised?

Recommendation: Yes. A review of the Company's current capital recovery position indicates the need to revise depreciation rates.

Issue 2: What should be the implementation date for new depreciation rates and recovery schedules?

Recommendation: Staff recommends approval of the Company's requested July 1, 2009, implementation date for new depreciation rates and recovery schedules.

Issue 3: What are the appropriate depreciation rates and recovery schedules?

Recommendation: The staff-recommended lives, net salvages, reserves, and resultant depreciation rates are shown on Attachment A of staff's memorandum dated March 26, 2009. The result is an increase in annual depreciation expense of approximately \$200,000, based on the estimated June 30, 2009, investments shown on Attachment B of staff's memorandum dated March 26, 2009.

Issue 4: Should the current amortization of investment tax credits and flowback of excess deferred income taxes be revised to reflect the approved depreciation rates?

Recommendation: Yes. The current amortization of investment tax credits (ITC) and the flowback of excess deferred income taxes (EDIT) should be revised to match the actual recovery periods for the related property. FPUC should file detailed calculations of the revised ITC amortization and flowback of EDIT at the same time it files its surveillance report covering the period ending December 31, 2009.

Issue 5: Should this docket be closed?

Recommendation: Yes. If no substantially affected person files a protest to the Proposed Agency Action Order within 21 days of its issuance, this docket should be closed upon the issuance of a consummating order.

DECISION: The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

16**PAA

Docket No. 080183-WU – Joint application for approval of transfer of Tamiami Village Water Company, Inc.'s water system and Certificate No. 388-W in Lee County to Ni Florida, LLC.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: ECR: Brady, Redemann

GCL: Klancke

(Proposed Agency Action for Issues 1 and 2)

Issue 1: What is water rate base for the transfer of Tamiami Village Water Company, Inc.?

Recommendation: The appropriate rate base for transfer purposes for Tamiami's water system is \$66,842 as of December 31, 2007. Within 60 days of the date of the final order, Ni Florida should be required to provide a statement that the Utility's books have been updated to reflect the Commission-approved rate base adjustments and balances. In addition, the Commission approved rate base adjustments should be reflected in the Utility's 2009 annual report.

Issue 2: Should an acquisition adjustment be approved?

Recommendation: No. An acquisition adjustment should not be included in the calculation of rate base for transfer purposes.

Issue 3: Should this docket be closed?

Recommendation: No. If no protest to the proposed agency action issues is filed by a substantially affected person within 21 days of the date of the order, a consummating order should be issued. However, the docket should remain open pending receipt of the confirmation statement that the Utility's books have been adjusted to reflect the Commission-approved rate base adjustments and verification of an updated territory map. Upon receipt of the statement and updated territory map, the docket should be administratively closed.

DECISION: The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

17**PAA

Docket No. 080247-SU – Application for increase in wastewater rates in Lee County by Utilities, Inc. of Eagle Ridge.

Critical Date(s): 5-Month Effective Date 04/07/09

Commissioners Assigned: All Commissioners

Prehearing Officer: Argenziano

Staff: ECR: Crawford, Bulecza-Banks, Fletcher, Redemann
GCL: Bennett

(Proposed Agency Action Except Issues 15 and 16)

Issue 1: Is the quality of service provided by Eagle Ridge considered satisfactory?

Recommendation: Yes. The Utility’s overall quality of service is satisfactory.

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

Recommendation: Yes. Based on audit adjustments agreed to by the Utility and staff, the following adjustments are necessary.

Audit Finding	Wastewater
No. 1 - Decrease Plant in Service	\$106,670
No. 1 - Decrease Accumulated Depreciation	\$361,839
No. 1 - Decrease Accumulated Amortization of CIAC	\$441,386
No. 1 - Increase CIAC	\$252,084
No. 1 - Increase Depreciation Expense	\$2,124
No. 1 - Increase Amortization Expense	\$11,000
No. 5 - Decrease Depreciation Expense	\$456
No. 5 - Decrease Accumulated Depreciation	\$685

Issue 3:
Should any adjustments be made to test year plant-in-service?

Recommendation: Yes. Plant-in-service should be reduced by \$85,043. A corresponding adjustment should be made to decrease accumulated depreciation by \$85,043.

Issue 4: What are the used and useful percentages of the Utility’s wastewater treatment plant, wastewater collection system, and reuse water system?

Recommendation: The Eagle Ridge wastewater treatment plant is 78.73 percent used and useful. The Cross Creek wastewater treatment plant is 100 percent used and useful. The wastewater collection and reuse systems should be considered 100 percent used and useful. The used and useful adjustments should be made to Account Nos. 354.4, Structures and Improvements, and Account No. 380.4, Treatment and Disposal Equipment. Staff has reduced rate base by \$20,286 and has made corresponding adjustments to reduce depreciation expense by \$5,598 and reduce property tax by \$55. Staffs adjustments to non-used and useful plant are shown on the rate base and operating income adjustment Schedules 1-B and 3-B of staff’s memorandum dated March 26, 2009.

ITEM NO.

CASE

17**PAA

Docket No. 080247-SU – Application for increase in wastewater rates in Lee County by Utilities, Inc. of Eagle Ridge.

(Continued from previous page)

Issue 5: What is the appropriate working capital allowance?

Recommendation: The appropriate working capital allowance is \$80,100.

Issue 6: What is the appropriate rate base for the test year period ending December 31, 2007?

Recommendation: Consistent with other recommended adjustments, the appropriate rate base is \$1,824,626.

Issue 7: What is the appropriate return on common equity?

Recommendation: The appropriate return on common equity is 12.34 percent based on the Commission’s 2008 leverage formula and an equity ratio of 42.59 percent. Staff recommends an allowed range of plus or minus 100 basis points be recognized for ratemaking purposes.

Issue 8: What is the appropriate weighted average cost of capital including the proper components, amounts, and cost rates associated with the capital structure?

Recommendation: Based on the resolution of the previous issues, the appropriate weighted average cost of capital, including the proper components, amounts, and cost rates associated with the capital structure, is 8.11 percent.

Issue 9: What is the appropriate amount of rate case expense?

Recommendation: The appropriate rate case expense is \$84,373. This expense should be recovered over four years for an annual expense of \$21,093. Thus, rate case expense should be reduced by \$21,679.

Issue 10: Should any further adjustments be made to test year net depreciation expense?

Recommendation: Yes. Net depreciation expense should be increased by \$2,302 (\$39,510 less \$18,643 less \$18,565). The corresponding adjustments should include an increase to accumulated depreciation of \$302,433 (\$46,571 plus \$255,862) and an increase to accumulated amortization of CIAC of \$54,137.

Issue 11: What is the test year wastewater operating income or loss before any revenue increase?

Recommendation: The test year operating income is \$3,348 for wastewater before any revenue increase.

Issue 12: What is the appropriate revenue requirement?

Recommendation: The following revenue requirement should be approved:

	Test Year		Revenue	
	<u>Revenues</u>	<u>\$ Increase</u>	<u>Requirement</u>	<u>% Increase</u>
Wastewater	\$777,017	\$242,790	\$1,019,807	31.25%

ITEM NO.

CASE

17**PAA

Docket No. 080247-SU – Application for increase in wastewater rates in Lee County by Utilities, Inc. of Eagle Ridge.

(Continued from previous page)

Issue 13: What are the appropriate wastewater rates for the Utility?

Recommendation: The appropriate monthly rates are shown on Schedule No. 4 of staff’s memorandum dated March 26, 2009. Staff’s recommended rates are designed to produce revenues of \$1,018,993, excluding miscellaneous service charge revenues. 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. The rates should not be implemented until staff has approved the proposed customer notice. The Utility should provide proof of the date notice was given no less than ten days after the date of the notice.

Issue 14: Should the Utility be authorized to revise its miscellaneous service charges, and, if so, what are the appropriate charges?

Recommendation: Yes. Eagle Ridge should be authorized to revise its miscellaneous service charges. The Utility should file a proposed customer notice to reflect the Commission-approved charges. The approved charges should be effective for service rendered on or after the stamped approval date of the tariff, pursuant to Rule 25-30.475(1), F.A.C., provided the notice has been approved by staff. Within ten days of the date the order is final, Eagle Ridge should be required to provide notice of the tariff changes to all customers. The Utility should provide proof the customers have received notice within ten days after the date that the notice was sent. The appropriate charges are reflected below.

Wastewater Miscellaneous Service Charges

Wastewater

	<u>Normal Hrs</u>	<u>After Hrs</u>
Initial Connection	\$21	\$N/A
Normal Reconnection	\$21	\$42
Violation Reconnection	Actual Cost	Actual Cost
Premises Visit (in lieu of disconnection)	N/A	N/A
Premises Visit	\$21	\$42

ITEM NO.

CASE

17**PAA

Docket No. 080247-SU – Application for increase in wastewater rates in Lee County by Utilities, Inc. of Eagle Ridge.

(Continued from previous page)

Issue 15: In determining whether any portion of the interim increase granted should be refunded, how should the refund be calculated, and what is the amount of the refund, if any?

Recommendation: The proper refund amount should be calculated by using the same data used to establish final rates, excluding rate case expense and other items not in effect during the interim period. This revised revenue requirement for the interim collection period should be compared to the amount of interim revenue requirement granted. Based on this calculation, the Utility should be required to refund 2.81 percent of wastewater revenues collected under interim rates. The refund should be made with interest in accordance with Rule 25-30.3604, F.A.C. The Utility should be required to submit proper refund reports, pursuant to Rule 25-30.3607, F.A.C. The Utility should treat any unclaimed refunds as CIAC, pursuant to Rule 25-30.3608, F.A.C. Further, the corporate undertaking should be released upon staff's verification that the required refunds have been made.

Issue 16: 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?

Recommendation: The rates should be reduced as shown on Schedule No. 4 of staff's memorandum dated March 26, 2009, to remove \$6,953 for rate case expense, grossed up for regulatory assessment fees (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 17: Should the Utility be required to provide proof that it has adjusted its books for all Commission approved adjustments?

Recommendation: Yes. To ensure that the Utility adjusts its books in accordance with the Commission's decision, Eagle Ridge should provide proof, within 90 days of the final order in this docket, that the adjustments for all the applicable National Association of Regulatory Utility Commissioners Uniform System of Accounts (NARUC USOA) primary accounts have been made.

ITEM NO.

CASE

17**PAA

Docket No. 080247-SU – Application for increase in wastewater rates in Lee County by Utilities, Inc. of Eagle Ridge.

(Continued from previous page)

Issue 18: Should this docket be closed?

Recommendation: No. If no person whose substantial interests are affected by the PAA 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, and that the interim refund has been completed and verified by staff. Once these actions are complete, this docket should be closed administratively, and the corporate undertaking should be released.

DECISION: The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

18**

Docket No. 080562-WU – Request for approval of amendment to connection/transfer sheets, increase in returned check charge, amendment to miscellaneous service charges, increase in meter installation charges, and imposition of new tap-in fee, in Marion County, by East Marion Sanitary Systems Inc.

Critical Date(s): 04/18/09 (8-Month Effective Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECR: Hudson, Bulecza-Banks, Daniel, Fletcher, Redemann

GCL: Bennett

Issue 1: Should East Marion’s proposal to amend its connection/transfer sheet to require a customer to provide a Social Security number as a condition of receiving service, increase its returned check charge, amend its miscellaneous service charges, increase its meter installation charges, and impose a new tap-in fee be approved?

Recommendation: East Marion’s proposal to amend its tariffs should be denied in part and granted in part as filed. Staff recommends that the Utility not be permitted to amend its connection/transfer sheet to include a requirement that the applicant provide his Social Security number. Staff recommends that the Utility be permitted to amend its connection/transfer sheet to require one of several acceptable forms of identification. Staff is recommending that the returned check charge be established as specified in Sections 68.065, and 832.08(5) F.S., as may be amended. Also, staff recommends that the Utility’s proposed premise visit in lieu of disconnection be changed to premise visit, and its violation reconnection charge for water should be \$50.00 for normal hours and \$80.00 for after hours. With those exceptions, East Marion’s miscellaneous service charges, meter installation charges, and tap-in fees should be approved. If the Utility files revised tariff sheets within 30 days of the effective date of the Order which are consistent with the Commission’s vote, staff should be given administrative authority to approve the revised tariff sheets upon staff’s verification that the tariffs are consistent with the Commission’s decision. If the revised tariff sheets are filed and approved, the connection/transfer sheet, returned check charge, miscellaneous service charges, meter installation charges, and tap-in fee should become effective for connections made on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475(2), Florida Administrative Code (F.A.C.), if no protest is filed.

DECISION: The recommendation was modified. The Utility was directed to modify the tariff to reflect the actual cost for return check fees. The oral modification as stated at the Commission Conference was incorporated. Staff was directed to coordinate with Mr. Will regarding finalization of the directives of the Commission Conference decision, who will communicate with the homeowners association.

ITEM NO.

CASE

18**

Docket No. 080562-WU – Request for approval of amendment to connection/transfer sheets, increase in returned check charge, amendment to miscellaneous service charges, increase in meter installation charges, and imposition of new tap-in fee, in Marion County, by East Marion Sanitary Systems Inc.

(Continued from previous page)

Issue 2: Should East Marion be required to provide irrigation meters to the customers who have requested at the current tariff rate of \$70?

Recommendation: Yes. The Utility should be required to provide irrigation meters to the customers who have requested at the current tariff rate of \$70.

DECISION: The recommendation was modified. Customers who can provide proof that they have applied (prior to this Commission conference date) for irrigation meters under the old tariff rate will be entitled to it.

Issue 3: Should this docket be closed?

Recommendation: No. Upon expiration of the protest period, if a timely protest is not filed, a Consummating Order should be issued and the docket should remain open for 30 days from the issuance date of the Consummating Order, to allow the Utility time to file the revised tariff sheet. Upon staff's verification that the tariff sheet complies with the order, the tariff sheet should be stamped approved and the docket should be closed administratively. In the event that a timely protest is filed, and the Utility files revised tariff sheets reflecting the approved charges, the tariff should remain in effect with any increases held subject to refund pending resolution of the protest.

DECISION: The recommendation was approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

19**PAA

Docket No. 080268-WS – Joint Application for transfer of the Springside water and wastewater systems from Par Utilities, Inc. in Levy County to FIMC Hideaway, Inc.; amendment of Certificates 426-W and 362-S held by FIMC Hideaway, Inc.; and amendment of Certificate 428-W and cancellation of Certificate 366-S held by Par Utilities, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Argenziano

Staff: ECR: Brady, Kaproth, Redemann

GCL: Hartman

(Proposed Agency Action for Issue 3)

Issue 1: Should the Settlement Agreement among Par Utilities, Inc., FIMC Hideaway, Inc., and the objecting customers be approved?

Recommendation: Yes. The Settlement Agreement appended as Attachment A to staff's memorandum dated March 26, 2009, should be approved as a reasonable resolution of this matter and should be taken into consideration in the determination of whether the transfer should be approved in **Issue 2.**

Issue 2: Should the transfer of the Springside water and wastewater systems from Par Utilities, Inc. to FIMC Hideaway, Inc., the amendment of Certificates 428-W, 426-W, and 362-S, and cancellation of Certificate 366-S be approved?

Recommendation: Yes. The transfer of the Springside water and wastewater systems from Par to FIMC is in the public interest and should be approved. No acquisition adjustment should be made, pursuant to Rule 25-30.0371, Florida Administrative Code (F.A.C.). The effective date of transfer should be the date of the Commission vote. Certificate No. 428-W held by Par should be amended to remove the Springside service area, and Certificate No. 366-S held by Par should be cancelled. Certificates Nos. 426-W and 362-S held by FIMC should be amended to add the Springside service area. The resultant order should serve as Par's water certificate and FIMC's water and wastewater certificates and should be retained by the Seller and Buyer. The territory being transferred is described in Attachment C of staff's memorandum dated March 26, 2009. The tariff pages reflecting the transfer should be effective for services provided or connections made on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475, F.A.C.

ITEM NO.

CASE

19**PAA

Docket No. 080268-WS – Joint Application for transfer of the Springside water and wastewater systems from Par Utilities, Inc. in Levy County to FIMC Hideaway, Inc.; amendment of Certificates 426-W and 362-S held by FIMC Hideaway, Inc.; and amendment of Certificate 428-W and cancellation of Certificate 366-S held by Par Utilities, Inc.

(Continued from previous page)

Issue 3: Should FIMC's request for a company-wide \$5.00 late payment charge be approved?

Recommendation: Yes. FIMC's request for a company-wide \$5.00 late payment charge is consistent with Commission rules and recent Commission orders and should be approved. Within five working days of the issuance of the Proposed Agency Action (PAA) order, staff recommends that FIMC be required to file a proposed customer notice of the approved late payment charge. Once staff has approved the proposed customer notice, FIMC may either choose to mail the notice separately to its customers or insert it with the next billing cycle. The tariff sheets containing late payment charge should become effective for services rendered on or after the stamped approval date on the tariff, pursuant to Rule 25-30.475, F.A.C.

Issue 4: Should the docket be closed?

Recommendation: No. If no protest to the proposed agency action issue is filed by a substantially affected person within 21 days of the date of the order, a consummating order should be issued. However, the docket should remain open pending staff's verification that notice of the late payment charge has been given to customers after which the docket should be administratively closed.

DECISION: The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

20**PAA

Docket No. 080517-WS – Application for approval of transfer of Horizon Homes of Central Florida, Inc. and Five Land Group LLC's water and wastewater systems to Aqua Utilities Florida, Inc., and for amendment of Certificate Nos. 441-S and 507-W, in Sumter County.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: ECR: Johnson, Kaproth, Walden

GCL: Sayler

(Proposed Agency Action Except for Issues 1, 4, 7, and 8)

Issue 1: Should the transfer of Horizon Homes of Central Florida, Inc. and Five Land Group LLC's water and wastewater systems to Aqua Utilities Florida, Inc., and amendment of Certificate Nos. 507-W and 441-S in Sumter County be approved?

Recommendation: Yes. The transfer of Horizon Homes of Central Florida, Inc. and Five Land Group LLC's Jumper Creek's water and wastewater facilities to Aqua Utilities Florida, Inc. should be approved effective the date of the transfer, December 31, 2007. AUF's Certificate Nos. 507-W and 441-S in Sumter County should be amended to add the territory described in Attachment A of staff's memorandum dated March 26, 2009. The resultant order should serve as AUF's amended water and wastewater certificates and should be retained by the AUF.

Issue 2: What is rate base for the water and wastewater systems as of December 31, 2007?

Recommendation: As of December 31, 2007, rate base for transfer purposes is \$327,494 for Jumper Creek's water system and \$176,581 for the wastewater system, as shown on Schedule No. 1 of staff's memorandum dated March 26, 2009. Schedule No. 1-A of staff's memorandum dated March 26, 2009, shows the recommended balances for Jumper Creek's water and wastewater plant and accumulated depreciation accounts as of December 31, 2007, using the National Association of Regulatory Utility Commissioners (NARUC) Uniform System of Accounts (USOA). Staff notes that rate base for transfer purposes does not include the normal rate making adjustments for used and useful or working capital. Within 60 days of the date of the final order, the Utility should be required to provide a statement that AUF's books have been updated to reflect the Commission-approved rate base adjustments and balances and that these numbers will also be reflected in the Utility's annual report.

ITEM NO.

CASE

20**

Docket No. 080517-WS – Application for approval of transfer of Horizon Homes of Central Florida, Inc. and Five Land Group LLC's water and wastewater systems to Aqua Utilities Florida, Inc., and for amendment of Certificate Nos. 441-S and 507-W, in Sumter County.

(Continued from previous page)

Issue 3: Should an acquisition adjustment be recognized for rate-making purposes?

Recommendation: Yes. Pursuant to Rule 25-30.0371(3)(b), F.A.C., a negative acquisition adjustment of \$303,260 should be recognized for rate-making purposes, amortized over a five-year period beginning with the date of the issuance of the order approving the transfer of assets. The negative acquisition adjustment should not be recorded on the books for rate-making purposes nor used for any earnings review unless AUF files for a rate increase, pursuant to Sections 367.081(2), 367.0814, 367.0817, or 367.0822, F.S.

Issue 4: Should the Utility's existing rates and charges be approved?

Recommendation: The water and wastewater rates shown on Schedule No. 2 of staff's memorandum dated March 26, 2009, should be approved for the Jumper Creek water and wastewater customers. AUF should be required to charge the approved rates until authorized to change by this Commission in a subsequent proceeding. The rates should be effective for services rendered on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475, F.A.C.

Issue 5: Should AUF's request for a meter and meter installation charge be approved?

Recommendation: Yes. AUF's request for a meter installation charge shown on Schedule No. 3 of staff's memorandum dated March 26, 2009, should be approved. The service availability policy and charges set forth within the analysis portion of staff's memorandum dated March 26, 2009, are appropriate and should be approved effective for connections made on or after the stamped approval date on the tariff sheets.

Issue 6: Should AUF's request for customer deposits, miscellaneous service charges, and a late fee be approved?

Recommendation: Yes. AUF's request for customer deposits, miscellaneous service charges, and a late fee shown on Schedule No. 3 of staff's memorandum dated March 26, 2009, are consistent with Commission rules and should be approved. Within ten working days of the issuance of the PAA order, staff recommends that AUF be required to file a proposed customer notice of the Commission-approved miscellaneous service charges. Once staff has approved the proposed customer notice, the Utility may mail the notice to its customers. The tariffs approving the miscellaneous service charges should not be stamped approved by staff until after AUF files an affidavit that notice has been given to customers of the Commission-approved charges. The tariff sheets containing customer deposits, miscellaneous service charges, and a late fee should become effective for services rendered on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475, F.A.C.

ITEM NO.

CASE

20**

Docket No. 080517-WS – Application for approval of transfer of Horizon Homes of Central Florida, Inc. and Five Land Group LLC's water and wastewater systems to Aqua Utilities Florida, Inc., and for amendment of Certificate Nos. 441-S and 507-W, in Sumter County.

(Continued from previous page)

Issue 7: In the event of a timely protest of any rates and charges in the Proposed Agency Action (PAA) Order, should AUF be allowed to continue charging the Commission-approved rates?

Recommendation: In the event of a timely protest of any recommended rates and charges in the PAA Order, AUF should be authorized to continue charging the Commission-approved PAA rates, subject to refund, pending the final outcome of this proceeding. If the final rates are lower than the PAA rates, then AUF should be required to refund the difference with interest, pursuant to Rule 25-30.360, F.A.C.

Issue 8: Should this docket be closed?

Recommendation: No. If no protest to the proposed agency action issues is filed by a substantially affected person within 21 days of the date of the order, a consummating order should be issued and the docket should be closed administratively upon receipt of a statement that AUF's books have been updated for Jumper Creek's systems to reflect the Commission-approved rate base adjustments and balances and that these numbers will also be reflected in the Utility's annual report.

DECISION: This item was deferred to a later Commission Conference. Staff made an oral modification at the Commission Conference that Issues 2, 3, 5, and 6 should be PAA and not final agency action.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

21**

Docket No. 080534-WS – Application for quick-take amendment and application for amendment of Certificate Nos. 209-W and 154-S to extend water and wastewater services to certain territory (Jasmine Lakes) in Pasco County, by Aqua Utilities Florida, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: ECR: Walden

GCL: Sayler

Issue 1: Should Aqua Utilities Florida, Inc. be required to show cause, in writing, within 21 days why it should not be fined for its apparent violation of Section 367.045, F.S.?

Recommendation: No. A show cause proceeding should not be initiated.

Issue 2: Should the Commission acknowledge Aqua's "Quick Take" application to amend Certificate Nos. 209-W and 154-S?

Recommendation: Yes, the Commission should acknowledge Aqua's amendment application to expand its water and wastewater territory. The proposed territory is described in Attachment A of staff's memorandum dated March 26, 2009. The resultant order should serve as Aqua's amended certificate and it should be retained by the Utility. The existing charges contained in its tariff should be applied to the customers in the new territory until it is authorized by the Commission to change them in a subsequent proceeding. In addition, the Utility should be ordered to file revised tariff sheets that incorporate the additional territory within 30 days from the date of the Commission order.

Issue 3: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendations in Issues 1 and 2, no further action will be necessary and this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

22**

Docket No. 080535-WU – Application for quick-take amendment and application for amendment of Certificate No. 053-W to extend water service to certain territory (Lake Osborne) in Palm Beach County, by Aqua Utilities Florida, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: ECR: Rieger

GCL: Saylor

Issue 1: Should Aqua Utilities Florida, Inc. be required to show cause, in writing, within 21 days why it should not be fined for its apparent violation of Section 367.045, Florida Statutes?

Recommendation: No. A show cause proceeding should not be initiated.

Issue 2: Should the Commission acknowledge Aqua's "Quick Take" application to amend Certificate 053-W?

Recommendation: Yes, the Commission should acknowledge Aqua's amendment application to expand its territory. The proposed territory is described in Attachment A of staff's memorandum dated March 26, 2009. The resultant order should serve as Aqua's amended certificate and it should be retained by the Utility. The existing charges contained in its tariff should be applied to the customers in the new territory until it is authorized by the Commission to change them in a subsequent proceeding. In addition, the Utility should be ordered to file revised tariff sheets that incorporate the additional territory within 30 days from the date of the Commission order approving the amendment.

Issue 3: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendations in Issues 1 and 2, no further action will be necessary and this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

23**

Docket No. 080536-WU – Application for quick-take amendment of and application for amendment of Certificate No. 002-W to extend water service to certain territory (Oakwood) in Brevard County, by Aqua Utilities Florida, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: ECR: Rieger

GCL: Saylor

Issue 1: Should Aqua Utilities Florida, Inc. be required to show cause, in writing, within 21 days why it should not be fined for its apparent violation of Section 367.045, Florida Statutes?

Recommendation: No. A show cause proceeding should not be initiated.

Issue 2: Should the Commission acknowledge Aqua's "Quick Take" application to amend Certificate 002-W?

Recommendation: Yes, the Commission should acknowledge Aqua's amendment application to expand its territory. The proposed territory is described in Attachment A of staff's memorandum dated March 26, 2009. The resultant order should serve as Aqua's amended certificate and it should be retained by the Utility. The existing charges contained in its tariff should be applied to the customers in the new territory until it is authorized by the Commission to change them in a subsequent proceeding. In addition, the Utility should be ordered to file revised tariff sheets that incorporate the additional territory within 30 days from the date of the Commission order approving the amendment.

Issue 3: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendations in Issues 1 and 2, no further action will be necessary and this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

24**

Docket No. 080537-WU – Application for quick-take amendment of Certificate No. 587-W to extend the Lake Gibson Estates water service territory in Polk County by Aqua Utilities Florida, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: ECR: Redemann

GCL: Sayler

Issue 1: Should Aqua Utilities Florida, Inc. be ordered to show cause, in writing, within 21 days, why it should not be fined for serving outside its certificated territory without prior Commission approval in apparent violation of Section 367.045(2), F.S.?

Recommendation: No, a show cause proceeding should not be initiated.

Issue 2: Should the Commission acknowledge Aqua Utilities Florida, Inc.'s "Quick Take" application to amend Certificate No. 587-W in Polk County?

Recommendation: Yes, the Commission should acknowledge Aqua's amendment application to amend/extend its territory. The proposed territory amendment is described in Attachment A of staff's memorandum dated March 26, 2009. The resultant order should serve as Aqua's amended certificate and it should be retained by the Utility. Aqua should charge the customers in the added territory the rates and charges contained in its tariff until authorized to change by this Commission in a subsequent proceeding. In addition, the Utility should be ordered to file revised tariff sheets that incorporate the additional territory within 30 days from the date of the Commission order.

Issue 3: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issues 1 and 2, no further action is necessary and this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

25**

Docket No. 080538-WU – Application for quick-take amendment and application for amendment of Certificate No. 238-W to extend water service to certain territory (Tomoka) in Volusia County, by Aqua Utilities Florida, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: ECR: Rieger

GCL: Klancke

Issue 1: Should Aqua Utilities Florida, Inc. be required to show cause, in writing, within 21 days why it should not be fined for its apparent violation of Section 367.045, Florida Statutes?

Recommendation: No. A show cause proceeding should not be initiated.

Issue 2: Should the Commission acknowledge Aqua's "Quick Take" application to amend Certificate 238-W?

Recommendation: Yes, the Commission should acknowledge Aqua's amendment application to expand its territory. The proposed territory is described in Attachment A of staff's memorandum dated March 26, 2009. The resultant order should serve as Aqua's amended certificate and it should be retained by the Utility. The existing charges contained in its tariff should be applied to the customers in the new territory until it is authorized by the Commission to change them in a subsequent proceeding. In addition, the Utility should be ordered to file revised tariff sheets that incorporate the additional territory within 30 days from the date of the Commission order approving the amendment.

Issue 3: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendations in Issues 1 and 2, no further action will be necessary and this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

26**

Docket No. 080539-WS – Application for amendment of Certificate Nos. 076-W and 284-S to extend water and wastewater services to certain territory (Interlachen/Park Manor; Palm Port; Silver Lake Oaks) in Putnam County, by Aqua Utilities Florida, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: ECR: Rieger

GCL: Klancke

Issue 1: Should Aqua Utilities Florida, Inc. be required to show cause, in writing, within 21 days why it should not be fined for its apparent violation of Section 367.045, Florida Statutes?

Recommendation: No. A show cause proceeding should not be initiated.

Issue 2: Should the Commission approve Aqua's application to amend Certificates 076-W and 248-S?

Recommendation: Yes. The Commission should approve Aqua's application for amendment of Certificates 076-W and 284-S to include territories as reflected in Attachment A of staff's memorandum dated March 26, 2009. The resultant order should serve as Aqua's amended certificates and should be retained by the utility. The Utility should charge the customers in the territory added herein the rates and charges contained in its current tariff until authorized to change by the Commission. In addition, the Utility should be ordered to file revised tariff sheets that incorporate the additional territories within 30 days from the date of the Commission order approving the amendment.

Issue 3: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendations in Issues 1 and 2, no further action will be necessary and this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

27**

Docket No. 080540-WS – Application for amendment of Water Certificate No. 106-W and Wastewater Certificate No. 120-S to extend water and wastewater services to certain territory (Haines Creek; Kings Cove; Holiday Haven; East Lake Harris / Friendly Center; 48 Estates; Morningview; Silver Lakes Estates) in Lake County, by Aqua Utilities Florida, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: ECR: Redemann, Walden

GCL: Klancke

Issue 1: Should Aqua Utilities Florida, Inc. be ordered to show cause, in writing within 21 days, why it should not be fined for its apparent violation of Section 367.045, Florida Statutes?

Recommendation: No, a show cause proceeding should not be initiated.

Issue 2: Should the Commission approve the application to amend Certificates 106-W and 120-S in Lake County by Aqua Utilities Florida, Inc.?

Recommendation: Yes, the Commission should approve Aqua's amendment application to extend water and wastewater services to Haines Creek, Kings Cove, Holiday Haven, East Lake Harris/Friendly Center, 48 Estates, Morningview, and Silver Lakes Estates in Lake County. The proposed territory and composite description is described in Attachment A of staff's memorandum dated March 26, 2009. The resultant order should serve as Aqua's amended certificate and it should be retained by the Utility. The Utility should charge the customers in the territory added herein the rates and charges contained in its current tariff until authorized to change by the Commission. In addition, the Utility should be ordered to file revised tariff sheets that incorporate the additional territory within 30 days from the date of the Commission order.

Issue 3: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issues 1 and 2, no further action will be necessary and this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

ITEM NO.

CASE

28**

Docket No. 080541-WU – Application for amendment of Certificate No. 346-W to extend water service to certain territory (49th Street; Belleair; Bellview Hills Estates, Ocala Oaks/Sky Ranch) in Marion County, by Aqua Utilities Florida, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: ECR: Rieger

GCL: Klancke

Issue 1: Should Aqua Utilities Florida, Inc. be required to show cause, in writing, within 21 days why it should not be fined for its apparent violation of Section 367.045, Florida Statutes?

Recommendation: No. A show cause proceeding should not be initiated.

Issue 2: Should the Commission approve Aqua's application to amend Certificate 346-W?

Recommendation: Yes. The Commission should approve Aqua's application for amendment of Certificate 346-W to include territory as reflected in Attachment A of staff's memorandum dated March 26, 2009. The resultant order should serve as Aqua's amended certificates and should be retained by the Utility. The Utility should charge the customers in the territory added herein the rates and charges contained in its current tariff until authorized to change by the Commission. In addition, the Utility should be ordered to file revised tariff sheets that incorporate the additional territories within 30 days from the date of the Commission order approving the amendment.

Issue 3: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff's recommendations in Issues 1 and 2, no further action will be necessary and this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Carter, Edgar, McMurrian, Argenziano, Skop

