

MINUTES OF October 18, 2011
COMMISSION CONFERENCE
COMMENCED: 9:36 am
ADJOURNED: 10:36 am

COMMISSIONERS PARTICIPATING: Chairman Graham
Commissioner Edgar
Commissioner Brisé
Commissioner Balbis
Commissioner Brown

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

1 **Approval of Minutes**
September 8, 2011 Regular Commission Conference

DECISION: The minutes were approved.

Commissioners participating: Graham, Edgar, Brisé, Balbis, Brown

ITEM NO.

CASE

2**

Consent Agenda

A) Docket No. 110265-EI – Tampa Electric Company (“Company”) seeks the authority to issue, sell and/or exchange equity securities and issue, sell, exchange and/or assume long-term or short-term debt securities and/or to assume liabilities or obligations as guarantor, endorser, or surety during calendar year 2012. The Company also seeks authority to enter into interest rate swaps or other derivative instruments related to debt securities during calendar year 2012.

The amount of all equity and long-term debt securities issued, sold, exchanged or assumed and liabilities and obligations assumed or guaranteed as guarantor, endorser, or surety will not exceed in the aggregate \$1.4 billion during calendar year 2012, including any amounts issued to retire existing long-term debt securities. The maximum amount of short-term debt outstanding at any one time will be \$1.0 billion during calendar year 2012. This application is for both Tampa Electric Company and its local gas distribution division, Peoples Gas System.

In connection with this application, the Company confirms that the capital raised pursuant to this application will be used in connection with the activities of the Company’s regulated electric and gas division and not the unregulated activities of the utilites or their affiliates.

For monitoring purposes, this docket should remain open until April 29, 2013 to allow the Company time to file the required Consummation Report.

ITEM NO.

CASE

2**

Consent Agenda

(Continued from previous page)

B) Docket No. 110273-EI – Florida Power & Light Company (“FPL” or “Company”) seeks authority to issue and sell and/or exchange any combination of long-term debt and equity securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an aggregate amount not to exceed \$6.1 billion during calendar year 2012. In addition, FPL seeks permission to issue and sell short-term securities during calendar years 2012 and 2013 in an amount or amounts such that the aggregate principal amount of short-term securities outstanding at the time of and including any such sale shall not exceed \$4.0 billion.

In connection with this application, FPL confirms that the capital raised pursuant to the application will be used in connection with the activities of FPL and FPL’s regulated subsidiaries and not the unregulated activities of FPL or its unregulated subsidiary or affiliates.

For monitoring purposes, this docket should remain open until April 29, 2013 to allow the Company time to file the required Consummation Report.

PAA

C) Applications for Certificates of Authority to Provide Telecommunications Service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
110242-TX	Liberty Bell Telecom, LLC d/b/a DISH Network Phone & Internet
110256-TX	Wide Voice, LLC
110267-TX	US Signal Company, L.L.C.

Recommendation: The Commission should approve the action requested in Docket Nos. 110242-TX, 110256-TX and 110267-TX and close the dockets.

For monitoring purposes, Docket Nos. 110265-EI and 110273-EI should remain open until April 29, 2013, to allow the companies time to file the required Consummation Reports.

DECISION: The recommendation was approved.

Commissioners participating: Graham, Edgar, Brisé, Balbis, Brown

ITEM NO.

CASE

3**

Docket No. 090082-TL – Petition by BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast for waiver of Rule 25-4.040(2), Florida Administrative Code.

Docket No. 100327-TL – Petition by Verizon Florida LLC for waiver of Rule 25-4.040(2), F.A.C.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: GCL: Gervasi

RAD: Trueblood

PIF: DeMello, Muir

Issue 1: Should Docket Nos. 090082-TL and 100327-TL be closed?

Recommendation: Yes. With the passage of the Regulatory Reform Act and consequent repeal of Rule 25-4.040, F.A.C., the Commission no longer has the authority to require telecommunications companies to provide directories to subscribers. Therefore, these dockets should be closed.

DECISION: The recommendation was approved.

Commissioners participating: Graham, Edgar, Brisé, Balbis, Brown

ITEM NO.

CASE

4**

Docket No. 100410-EI – Review of Florida Power & Light Company's earnings.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: GCL: Barrera, Crawford

ECR: Slemkewicz

Issue 1: Should the Commission grant the Petition to Intervene, Motion for Reconsideration, Notice of Protest, and Request for Formal Hearing filed by Mr. and Ms. Larson?

Recommendation: No. The Commission should deny the Petition to Intervene, Motion for Reconsideration, Notice of Protest, and Request for Formal Hearing.

Issue 2: Should this docket be closed?

Recommendation: Yes. If the Commission denies the Petition and dismisses all pending petitions, this docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Graham, Edgar, Brisé, Balbis, Brown

ITEM NO.

CASE

5

Docket No. 110236-EI – Formal complaint of Thomas Saporito against Florida Power & Light Company regarding customer charge on his billing statement.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Balbis

Staff: GCL: P. Robinson

ECR: A. Roberts

(Oral Argument not requested. Participation is at the Commission's discretion.)

Issue 1: Should FPL's Motion to Dismiss Mr. Saporito's complaint be granted?

Recommendation: Yes. The Commission should grant FPL's Motion to Dismiss, and Mr. Saporito's complaint should be dismissed with prejudice.

Issue 2: Should the docket be closed?

Recommendation: Yes. If the Commission agrees with staff regarding Issue 1, then Mr. Saporito's complaint should be dismissed with prejudice, and the docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Graham, Edgar, Brisé, Balbis, Brown

ITEM NO.

CASE

6**

Docket No. 110277-GU – Application for approval of tariff revisions to reflect service in Nassau and Okeechobee Counties, by Florida Public Utilities Company

Critical Date(s): 11/21/11 (60-Day Suspension Date)
05/21/12 (8-Month Effective Date)

Commissioners Assigned: All Commissioners
Prehearing Officer: Administrative

Staff: GCL: Barrera
ECR: Daniel, Draper

Issue 1: Should the Commission suspend the proposed tariff sheets filed by Florida Public Utilities Company to reflect an expansion of its territorial boundaries?

Recommendation: Yes. Staff needs more time to determine whether a need exists for service, and whether any other gas utilities may contest this expansion of territory.

Issue 2: Should this docket be closed?

Recommendation: No. The Docket should remain open to complete the evaluation of the proposed tariffs.

DECISION: The recommendations were approved.

Commissioners participating: Graham, Edgar, Brisé, Balbis, Brown

ITEM NO.

CASE

7**

Docket No. 110269-EI – Petition by Progress Energy Florida, Inc. for approval of modification to make the current experimental Premier Power Service Rider, Rate Schedule PPS-1 permanent.

Critical Date(s): 11/15/11 (60-Day Suspension Date)

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: ECR: Draper

GCL: Jaeger

Issue 1: Should the Commission approved PEF's petition to make permanent the current experimental Premier Power Service Rider, Rate Schedule PPS-1?

Recommendation: Yes. For administrative efficiency, PEF should no longer be required to file annual reports.

Issue 2: Should this docket be closed?

Recommendation: Yes, if Issue 1 is approved, the tariff should become effective on October 18, 2011. If a protest is filed within 21 days of the issuance of the docket, the tariffs should remain in effect, with any revenues held subject to refund, pending resolution of the protest. If no timely protest is filed, this docket should be closed upon the issuance of a consummating order.

DECISION: The recommendations were approved.

Commissioners participating: Graham, Edgar, Brisé, Balbis, Brown

ITEM NO.

CASE

8**

Docket No. 110086-SU – Application for staff-assisted rate case in Highlands County by Francis I Utility, LLC.

Critical Date(s): 09/04/12 (15-Month Effective Date (SARC))

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: ECR: Fletcher, Hudson, Maurey

GCL: Murphy

Issue 1: Should this staff assisted rate case be dismissed and the docket closed?

Recommendation: Yes, the lack of cooperation demonstrated by the Utility has made it difficult, and at times impossible, for staff to effectively fulfill its duties, pursuant to Section 367.0814, F.S. Therefore, this docket should be closed.

DECISION: The recommendation was approved.

Commissioners participating: Graham, Edgar, Brisé, Balbis, Brown

ITEM NO.

CASE

9**

Docket No. 100442-SU – Application for certificate to provide wastewater service in Brevard County by TKCB.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: ECR: Golden, Simpson

GCL: Klancke

Issue 1: Should the Utility’s application for a wastewater certificate be approved?

Recommendation: Yes, TKCB should be granted Certificate No. 562-S to serve the territory described in Attachment A of staff’s memorandum dated October 6, 2011, effective the date of the Commission’s vote. The resultant order should serve as TKCB’s wastewater certificate and should be retained by the Utility.

Issue 2: What are the appropriate initial wastewater rates?

Recommendation: The monthly wastewater service rates proposed by TKCB and shown on Schedule No. 1 of staff’s memorandum dated October 6, 2011, are reasonable and should be approved. TKCB should be required to charge the approved rates until authorized to change them by the Commission in a subsequent proceeding.

Issue 3: Should the Commission order TKCB to show cause, in writing within 21 days, why it should not be fined for operating a wastewater utility without a certificate of authorization in apparent violation of Section 367.031, F.S.?

Recommendation: No. TKCB should not be ordered to show cause for operating a wastewater utility without a certificate of authorization.

Issue 4: Should TKCB be ordered to show cause, in writing within 21 days, why it should not be fined for failure to remit its regulatory assessment fees and file annual reports for 1986 through 2010, in apparent violation of Section 367.145, F.S., and Rules 25-30.120 and 25-30.110(3), F.A.C.?

Recommendation: No. TKCB should not be ordered to show cause for failing to remit regulatory assessment fees and file annual reports from 1986 to 2010.

Issue 5: Should this docket be closed?

Recommendation: Yes. If the Commission approves staff’s recommendation in Issues 1 through 4, this docket should be closed because no further action is necessary.

DECISION: The recommendations were approved.

Commissioners participating: Graham, Edgar, Brisé, Balbis, Brown

ITEM NO.

CASE

10**

Docket No. 110216-WU – Application for amendment of Certificate No. 347-W to delete territory in Marion County by Marion Utilities, Inc. (Deferred from the October 4, 2011 Commission Conference.)

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Balbis

Staff: ECR: Walden

GCL: Young

Issue 1: Should the Commission approve Marion’s application for amendment to delete the International Villas system from its Water Certificate No. 347-W?

Recommendation: Yes. The Commission should approve the application filed by Marion Utilities, Inc. to delete territory, as reflected on Attachment A of staff’s memorandum dated September 22, 2011, from its certificated service area, effective the day of the Commission’s vote. The resultant order should serve as Marion’s amended certificate and should be retained by the Utility.

Issue 2: Should this docket be closed?

Recommendation: Yes, if staff’s recommendation in Issues 1 is approved, no further action is required, and the docket should be closed.

DECISION: This item was deferred to the November 22, 2011, Commission Conference.

Commissioners participating: Graham, Edgar, Brisé, Balbis, Brown

ITEM NO.

CASE

11**

Docket No. 100408-WS – Application for amendment of Certificate Nos. 387-W and 331-S to extend water and wastewater territory in Martin County by Indiantown Company, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Graham

Staff: ECR: Walden

GCL: Klancke

Issue 1: Should the Commission approve Indiantown’s application for amendment of Certificate Nos. 387-W and 331-S to extend its water and wastewater territory in Martin County?

Recommendation: Yes. The Commission should approve Indiantown’s application for amendment of Certificate Nos. 387-W and 331-S to include territory as reflected in Attachment A of staff’s memorandum dated October 6, 2011. The resultant order should serve as Indiantown’s amended certificate and should be retained by the Utility. Pursuant to Rule 25-9.044(1), Florida Administrative Code (F.A.C.), the Utility should charge the customers in the territory added herein the rates and charges contained in its current tariff until authorized to be changed by the Commission.

Issue 2: Should this docket be closed?

Recommendation: Yes, if staff’s recommendation in Issue 1 is approved, no further action is required and the docket should be closed.

DECISION: The recommendations were approved.

Commissioners participating: Graham, Edgar, Brisé, Balbis, Brown

ITEM NO.

CASE

12**

Docket No. 110254-WS – Initiation of show cause proceedings against Four Points Utility Corporation in Polk County for violation of Commission rules and regulations as outlined in the Florida Public Service Commission's management audit for Four Points Utility Corporation and Bimini Bay Utilities Corporation issued June 2011.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Administrative

Staff: GCL: Bennett, Jaeger

ECR: Golden, Jones-Alexis, Marsh, Maurey, Mouring, Roberts, Walden

Issue 1: Should Four Points Utility Corporation be ordered to show cause, in writing within 21 days, why it should not be fined for its apparent violation of Rule 25-30.145, F.A.C., regarding audit access to records?

Recommendation: Yes. Four Points Utility Corporation should be ordered to show cause, in writing within 21 days, why it should not be fined \$1,000 for failure to provide reasonable access to records for audit purposes as required by Rule 25-30.145, F.A.C. The show cause order should incorporate the conditions as set forth in staff's analysis. Further, the Utility should be warned and put on notice that failure to comply with Commission orders, rules, or statutes will again subject the Utility to show cause proceedings and fines of up to \$5,000 per day per violation for each day the violation continues or revocation of its certificate as set forth in Section 367.161, F.S.

DECISION: The recommendation was approved as modified; changing the time frame from 21 days to 45 days.

Issue 2: Should Four Points Utility Corporation be ordered to show cause, in writing within 21 days, why it should not be fined for failure to file annual reports, in apparent violation of Rule 25-30.110(3), F.A.C.?

Recommendation: Yes. Four Points should be ordered to show cause, in writing within 21 days, why it should not be fined in the amount of \$1,890 for failure to comply with Rule 25-30.110(3), F.A.C., regarding the filing of annual reports. The show cause order should incorporate the conditions as set forth in the staff's analysis. Additionally, Four Points should be required to pay a penalty of \$10 per additional day until the 2010 annual report is filed.

DECISION: The recommendation was approved as modified; changing the time frame from 21 days to 45 days.

ITEM NO.

CASE

12**

Docket No. 110254-WS – Initiation of show cause proceedings against Four Points Utility Corporation in Polk County for violation of Commission rules and regulations as outlined in the Florida Public Service Commission's management audit for Four Points Utility Corporation and Bimini Bay Utilities Corporation issued June 2011.

(Continued from previous page)

Issue 3: Should Four Points Utility Corporation be ordered to show cause, in writing within 21 days, as to why it should not be fined for its apparent violations of Rules 25-30.130, 25-30.355, and 25-22.032(3), F.A.C., regarding customer complaints?

Recommendation: Yes. Four Points should be ordered to show cause, in writing within 21 days, as to why it should not be fined in the amount of \$21,750 for:

- failure to maintain a record of each signed, written customer complaint received by the Utility, as required by Rule 25-30.130, F.A.C.;
- failure to fully and promptly acknowledge and investigate all customer complaints and furnish replies to Commission staff's inquiries within 15 day from the date of the inquiry, as required by Rule 25-30.355, F.A.C.; and
- discontinuance of a customer's service because of an unpaid disputed amount before the complaint is closed by Commission staff, as prohibited by Rule 25-22.032(3), F.A.C.

The Order to show cause should incorporate the conditions as set forth in staff's analysis. Further, the Utility should be warned of the importance of complying with all Commission rules, statutes, and orders.

DECISION: The recommendation was approved as modified; changing the time frame from 21 days to 45 days.

ITEM NO.

CASE

12**

Docket No. 110254-WS – Initiation of show cause proceedings against Four Points Utility Corporation in Polk County for violation of Commission rules and regulations as outlined in the Florida Public Service Commission's management audit for Four Points Utility Corporation and Bimini Bay Utilities Corporation issued June 2011.

(Continued from previous page)

Issue 4: Should Four Points Utility Corporation be ordered to show cause, in writing, within 21 days, why it should not be fined for apparent violations of Rules 25-30.311(1), 25-30.311(4)(a)(b), 25-30.311(5) and (6), and 25-30.311(7), F.A.C., regarding customer deposits?

Recommendation: Yes. Four Points should be ordered to show cause, in writing within 21 days, why it should not be fined in the amount of \$30,375 for:

- failure to charge the tariffed rate for initial deposits, in violation of Sections 367.081(1) and 367.091(3), F.S.;
- failure to maintain a complete record of deposits, as required by Rule 25-30.311(3), F.A.C.;
- failure to pay a minimum interest on deposits of 6 percent per annum and maintain a record of such payments, as required by Rule 25-30.311(4)(a) and (b), F.A.C.;
- failure to refund deposits with accrued interest, as required by Rule 25-30.311(5) and (6), F.A.C.; and
- requiring additional deposits without reasonable written notice of not less than 30 days, as prohibited by Rule 25-30.311(7), F.A.C.

The show cause order should incorporate the conditions as set forth in staff's analysis. Further, the Utility should be warned of the importance of complying with all Commission rules, orders, and statutes.

DECISION: The recommendation was approved as modified; changing the time frame from 21 days to 45 days.

ITEM NO.

CASE

12**

Docket No. 110254-WS – Initiation of show cause proceedings against Four Points Utility Corporation in Polk County for violation of Commission rules and regulations as outlined in the Florida Public Service Commission's management audit for Four Points Utility Corporation and Bimini Bay Utilities Corporation issued June 2011.

(Continued from previous page)

Issue 5: Should Four Points Utility Corporation be ordered to show cause, in writing within 21 days, why it should not be fined for violating Rule 25-30.261, F.A.C., and Order No. PSC-07-0280-PAA-WS issued on April 2, 2007, in Docket No. 050595-WS, both regarding meter reading?

Recommendation: Although it does not appear that Four Points has violated Rule 25-30.261, F.A.C., regarding meter reading procedures; it does appear that Four Points has violated the meter reading requirements set forth in Order No. PSC-07-0280-PAA-WS, issued on April 2, 2007, in Docket No. 050595-WS. Four Points should be ordered to show cause, in writing within 21 days, as to why it should not be fined in the amount of \$5,000 for failure to comply with the meter reading requirements set forth in Order No. PSC-07-0280-PAA-WS. The show cause order should incorporate the conditions as set forth in staff's analysis. In addition, Four Points should be required to provide evidence that it has implemented stricter controls to ensure meter reading accuracy as set forth in staff's analysis.

DECISION: The recommendation was approved as modified; changing the time frame from 21 days to 45 days.

Issue 6: Should Four Points Utility Corporation be ordered to show cause, in writing within 21 days, why it should not be fined for apparent violations of Rules 25-30.335(7), and 25-30.335(4), F.A.C., regarding customer billing?

Recommendation: Yes. Four Points should be ordered to show cause, in writing within 21 days, as to why it should not be fined in the amount of \$7,000 for

- failure to maintain reliable customer billing records, as required by Rule 25-30.335(7), F.A.C.;
- for failing to charge its tariffed rates, as required by Section 367.091(3), F.S.; and
- improperly deeming customer accounts delinquent, as prohibited by Rule 25-30.335(4), F.A.C.

The show cause should incorporate the conditions as set forth in staff's analysis. Further, the Utility should be warned of the importance of complying with all Commission rules, orders, and statutes.

DECISION: The recommendation was approved as modified; changing the time frame from 21 days to 45 days.

ITEM NO.

CASE

12**

Docket No. 110254-WS – Initiation of show cause proceedings against Four Points Utility Corporation in Polk County for violation of Commission rules and regulations as outlined in the Florida Public Service Commission's management audit for Four Points Utility Corporation and Bimini Bay Utilities Corporation issued June 2011.

(Continued from previous page)

Issue 7: Should Four Points Utility Corporation be ordered to show cause in writing within 21 days of the order, why it should not be fined for failure to comply with Rule 25-30.320, F.A.C., regarding the refusal and discontinuance of service?

Recommendation: Yes. Four Points should be ordered to show cause, in writing within 21 days, why it should not be fined in the amount of \$5,000 for failure to comply with Rule 25-30.320, F.A.C., regarding refusal and discontinuance of service. The show cause order should incorporate the conditions as set forth in staff's analysis.

DECISION: The recommendation was approved as modified; changing the time frame from 21 days to 45 days.

Issue 8: Should Four Points Utility Corporation be ordered to show cause in writing within 21 days, why it should not be fined \$1,651 plus interest of \$1,255 for 2009 and \$1,651 plus interest of \$462 for failure to comply with Rule 25-30.120, F.A.C., regarding the payment of regulatory assessment fees?

Recommendation: Yes. Four Points should be ordered to show cause, in writing within 21 days, as to why it should not be fined in the amount of \$1,651 plus interest of \$1,255 for 2009 and \$1,651 plus interest of \$462 for failure to comply with Rule 25-30.120, F.A.C., regarding the payment of RAFs. Staff recommends that the Utility be directed to pay estimated RAFs in the amount of \$6,603 for 2009 and \$6,603 for 2010. Staff recommends that Four Points be required to remit the RAFs, penalties and interest in the amount of \$18,224 owed pursuant to this Issue on or before November 30, 2011.

DECISION: The recommendation was approved as modified; changing the time frame from 21 days to 45 days.

ITEM NO.

CASE

12**

Docket No. 110254-WS – Initiation of show cause proceedings against Four Points Utility Corporation in Polk County for violation of Commission rules and regulations as outlined in the Florida Public Service Commission's management audit for Four Points Utility Corporation and Bimini Bay Utilities Corporation issued June 2011.

(Continued from previous page)

Issue 9: Should Four Points Utility Corporation be ordered to show cause in writing within 21 days, why it should not be fined for violations of Section 367.111, F.S., requiring that customers are to be provided with safe, efficient, and sufficient service as is prescribed by part VI of chapter 403 and parts I and II of chapter 373?

Recommendation: No. While it appears Four Points Utility has violated the Department of Health's rules and regulations regarding reporting requirements adopted pursuant to part VI of chapter 403, staff believes the Commission should not at this time, direct the Utility to show cause why it should not be fined for any apparent violation of Section 367.111, F.S. Staff recommends that the Commission warn the Utility that it must provide safe, efficient, and sufficient service to its customers. The Commission should also warn the Utility that if the Commission finds the Utility has failed to provide its customers with water or wastewater service that meets the standards promulgated by the Department of Environmental Protection or the water management districts, the Commission may reduce the Utility's return on equity in a future rate proceeding.

DECISION: The recommendation was approved.

Issue 10: Should the Commission direct staff to initiate proceedings to revoke Four Points Utility Corporation's water and wastewater certificates?

Recommendation:

Alternative 1 Recommendation: No. The Commission should direct Four Points to develop and submit a Compliance Plan in accordance with the Commission's direction. The Commission should direct staff to file any penalties imposed pursuant to Issues 1-9 as statutory liens. In the event of any future violation of Commission rule, statute, or order, the Commission should direct staff to notify Four Points and commence revocation proceedings.

DECISION: The Alternative 1 Recommendation was approved with the modification that the compliance plan be submitted by January 15, 2012.

Alternative 2 Recommendation: Yes. The Commission should direct staff to initiate certificate revocation proceedings against Four Points consistent with Chapter 120 and Section 367.161, F.S.

DECISION: The Alternative 2 Recommendation was not approved.

ITEM NO.

CASE

12**

Docket No. 110254-WS – Initiation of show cause proceedings against Four Points Utility Corporation in Polk County for violation of Commission rules and regulations as outlined in the Florida Public Service Commission's management audit for Four Points Utility Corporation and Bimini Bay Utilities Corporation issued June 2011.

(Continued from previous page)

Issue 11: Should this docket be closed?

Recommendation: No. If Four Points Utility Corporation pays the \$77,034 in fines and interest, pays the \$13,206 in RAFs; submits the Compliance Plan, the docket should remain open for the Commission to review and approve the Compliance Plan and subsequently monitor the Utility's efforts to follow the Compliance Plan. If the Utility timely responds in writing to the show cause order, the docket should remain open to allow for the appropriate processing of the response.

DECISION: The recommendation was approved.

Commissioners participating: Graham, Edgar, Brisé, Balbis, Brown

ITEM NO.

CASE

13**PAA

Docket No. 090424-WS – Application for certificates to provide water and wastewater service in Polk County by Bimini Bay Utilities Corporation.

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: Edgar

Staff: ECR: Golden, Jones-Alexis, Mouring, Walden

GCL: Bennett, Jaeger

Issue 1: Should the Utility’s application for water and wastewater certificates and initial rates and charges be approved?

Recommendation: No. The Utility’s application for water and wastewater certificates and initial rates and charges should be denied.

Issue 2: Should this docket be closed?

Recommendation: Yes, if no timely protest to the proposed agency action in Issue 1 is filed with the Commission by a substantially affected person, a Consummating Order should be issued and the docket closed.

DECISION: The recommendations were approved.

Commissioners participating: Graham, Edgar, Brisé, Balbis, Brown

