

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 980483-MJ Date Docketed: 04/06/1998 Title: Investigation into possible overcollection of Allowance for Funds Prudently Invested (AFPI) in Lake County, by Lake Utility Services, Inc.  
 Company: Lake Utility Services, Inc.

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_ Expiration: \_\_\_\_\_

Referred to: ADM AFA APP CAF CMU EAG GCL LEG RAR RRR (MAW)  
 ("(") indicates OPR) \_\_\_\_\_ X \_\_\_\_\_ X

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A6(d)

Staff Assignments

OPR Staff S Austin, T Rendell, M Willis

Staff Counsel T Vaccaro

OCRe ( ) \_\_\_\_\_

( ) \_\_\_\_\_

( ) \_\_\_\_\_

( ) \_\_\_\_\_

( ) \_\_\_\_\_

Recommended assignments for hearing and/or deciding this case:

Full Commission \_\_\_\_\_ Commission Panel X  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with RAR: 07/15/1998

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**  
 Current CASR revision level

3

	Due Dates	
	Previous	Current
1. Notice of Prehearing	12/21/1998	01/08/1999
2. Notice of Hearing	01/06/1999	01/11/1999
3. Prehearing Order	SAME	01/12/1999
4. Discovery Actions Complete	SAME	01/13/1999
5. Prehearing	01/04/1999	01/15/1999
6. Hearing	01/20/1999	01/25/1999
7. Transcripts Due	SAME	02/03/1999
8. Briefs Due	SAME	02/17/1999
9. Staff Recommendation	SAME	04/08/1999
10. Agenda - Regular	SAME	04/20/1999
11. Standard Order	SAME	05/10/1999
12. Close Docket or Revise CASR	SAME	06/18/1999
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		
28.		
29.		
30.		
31.		
32.		
33.		
34.		
35.		
36.		
37.		
38.		
39.		
40.		

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		
		X		X	X		

- Prehearing Officer

Commissioners					ADM
JN	DS	CL	GR	JC	
				X	

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: [Signature]  
 Date: 12/14/1998

*CSPA*

*c*

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 980483-WJ Date Docketed: 05/06/1998 Title: Investigation into possible overcollection of Allowance for Funds Prudently Invested (AFPI) in Lake County, by Lake Utility Services, Inc.  
 Company: Lake Utility Services, Inc.

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_ Expiration: \_\_\_\_\_

Referred to: \_\_\_\_\_ ADM AFA APP CAF CRU EAG GCL LEG RAR RRR (WAW)  
 ("(") indicates DPR) \_\_\_\_\_ X \_\_\_\_\_ X

Section 2 - DPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A6(d)

Staff Assignments

OPR Staff S Austin, T Rendell, M Willis

Staff Counsel T Vaccaro

DCRs ( ) \_\_\_\_\_

( ) \_\_\_\_\_

( ) \_\_\_\_\_

( ) \_\_\_\_\_

( ) \_\_\_\_\_

Recommended assignments for hearing and/or deciding this case:

Full Commission \_\_\_\_\_ Commission Panel X  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with RAR: 12/30/1998

Initials: DPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**  
 Current CASR revision level

3

Due Dates

Previous Current

1. Notice of Prehearing	12/21/1998	12/31/1998
2. Notice of Hearing	01/06/1999	01/11/1999
3. Prehearing	01/04/1999	01/15/1999
4. Discovery Actions Complete	SAME	01/18/1999
5. Prehearing Order	SAME	01/20/1999
6. Hearing	01/20/1999	01/25/1999
7. Transcripts Due	SAME	02/08/1999
8. Briefs Due	SAME	02/22/1999
9. Staff Recommendation	SAME	04/08/1999
10. Agenda - Regular	SAME	04/20/1999
11. Standard Order	SAME	05/10/1999
12. Close Docket or Revise CASR	SAME	06/18/1999
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		
28.		
29.		
30.		
31.		
32.		
33.		
34.		
35.		
36.		
37.		
38.		
39.		
40.		

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		
		X	X		X		

- Prehearing Officer

Commissioners					ADM
JN	DS	CL	GR	JC	
				X	

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.  
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: [Signature]  
 Date: 12/30/1998

*e*

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 980453-MJ Date Docketed: 04/06/1998 Title: Investigation into possible overcollection of Allowance for Funds Prudently Invested (AFPI) in Lake County, by Lake Utility Services, Inc.  
 Company: Lake Utility Services, Inc.

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_ Expiration: \_\_\_\_\_

Referred to: \_\_\_\_\_ ADM AFA APP CAF CMJ EAG GCL LEG RAR RRR (MAW)  
 ("()") indicates OPR \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ X \_\_\_\_\_ \_\_\_\_\_ X

Section 2 - OPR Completes and returns to RAP in 10 workdays.

Time Schedule

Program/Module A6(d)

Staff Assignments

OPR Staff S Austin, T Rendell, M Willis

Staff Counsel T Vaccaro

OCRs ( ) \_\_\_\_\_

( ) \_\_\_\_\_

( ) \_\_\_\_\_

( ) \_\_\_\_\_

( ) \_\_\_\_\_

Recommended assignments for hearing and/or deciding this case:

Full Commission \_\_\_\_\_ Commission Panel X  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with RAR: 07/15/1998

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**  
 Current CASR revision level

2

	Due Dates	
	Previous	Current
1. Testimony - Company Direct	SAME	09/11/1998
2. Testimony - Intervenor	SAME	11/13/1998
3. Testimony - Staff	SAME	11/20/1998
4. Testimony - Rebuttal	SAME	12/04/1998
5. Prehearing Statements	SAME	12/09/1998
6. Notice of Prehearing	SAME	12/21/1998
7. Prehearing	SAME	01/04/1999
8. Notice of Hearing	01/06/1999	01/11/1999
9. Prehearing Order	SAME	01/12/1999
10. Discovery Actions Complete	SAME	01/13/1999
11. Hearing	01/20/1999	01/25/1999
12. Transcripts Due	SAME	02/03/1999
13. Briefs Due	SAME	02/17/1999
14. Staff Recommendation	SAME	04/08/1999
15. Agenda - Regular	SAME	04/20/1999
16. Standard Order	SAME	05/10/1999
17. Close Docket or Revise CASR	SAME	06/18/1999
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		
28.		
29.		
30.		
31.		
32.		
33.		
34.		
35.		
36.		
37.		
38.		
39.		
40.		

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		
		X		X	X		

- Prehearing Officer

Commissioners					ADM
JW	DS	CL	GR	JC	
				X	

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.  
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: [Signature] CSRA  
 Date: 08/28/1998

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 980483-MJ Date Docketed: 04/06/1998 Title: Investigation into possible overcollection of Allowance for Funds Prudently Invested (AFPI) in Lake County, by Lake Utility Services, Inc.  
 Company: Lake Utility Services, Inc.

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_ Expiration: \_\_\_\_\_

Referred to: ADM AFA APP CAF CMU EAG GCL LEG RAR RRR (WAW)  
 ("(") indicates OPR \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ X \_\_\_\_\_ \_\_\_\_\_ X

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A6(d)

Staff Assignments

OPR Staff S Austin, T Rendell, M Willis

Staff Counsel T Vaccaro

OCRs ( ) \_\_\_\_\_

( ) \_\_\_\_\_

( ) \_\_\_\_\_

( ) \_\_\_\_\_

( ) \_\_\_\_\_

Recommended assignments for hearing and/or deciding this case:

Full Commission \_\_\_\_\_ Commission Panel X  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with RAR: 07/15/1998

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**  
 Current CASR revision level

1

	Due Dates	
	Previous	Current
1. Order Establishing Procedure	NONE	07/28/1998
2. Testimony - Company Direct	NONE	09/11/1998
3. Testimony - Intervenor	NONE	11/13/1998
4. Testimony - Staff	NONE	11/20/1998
5. Testimony - Rebuttal	NONE	12/04/1998
6. Prehearing Statement	NONE	12/09/1998
7. Notice of Prehearing	NONE	12/21/1998
8. Prehearing	NONE	01/04/1999
9. Notice of Hearing	NONE	01/06/1999
10. Prehearing Order	NONE	01/12/1999
11. Discovery Actions Complete	NONE	01/13/1999
12. Hearing	NONE	01/20/1999
13. Transcripts Due	NONE	02/03/1999
14. Briefs Due	NONE	02/17/1999
15. Staff Recommendation	NONE	04/08/1999
16. Agenda - Regular	NONE	04/20/1999
17. Standard Order	NONE	05/10/1999
18. Close Docket or Revise CASR	NONE	06/18/1999
19.		
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		
28.		
29.		
30.		
31.		
32.		
33.		
34.		
35.		
36.		
37.		
38.		
39.		
40.		

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JM	DS	CL	GR	JC		
		X		X	X		

- Prehearing Officer

Commissioners					ADM
JM	DS	CL	GR	JC	
				X	

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.  
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: [Signature] **CSRA**  
 Date: 07/23/1998





Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 980483-WJ Date Docketed: 04/06/1998 Title: Investigation into possible overcollection of Allowance for Funds Prudently Invested (AFPI) in Lake County, by Lake Utility Services, Inc.  
 Company: Lake Utility Services, Inc.

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_ Expiration: \_\_\_\_\_

Referred to: \_\_\_\_\_ ADM AFA APP CAF CMJ EAG GCL LEG RAR RRR (WAW)  
 ("()") indicates OPR \_\_\_\_\_ X \_\_\_\_\_ X

Section 2 - OPR Completes and returns to RAR in 7 workdays. Time Schedule

Program/Module A6(d)

Staff Assignments

OPR Staff S Austin

Staff Counsel T Veccaro, H Ottinot

OCRs ( ) \_\_\_\_\_

( ) \_\_\_\_\_

( ) \_\_\_\_\_

( ) \_\_\_\_\_

( ) \_\_\_\_\_

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**  
 Current CASR revision level

0

1. Staff Recommendation
2. Agenda - Regular
3. PAA Order
4. Close Docket or Revise CASR
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_
13. \_\_\_\_\_
14. \_\_\_\_\_
15. \_\_\_\_\_
16. \_\_\_\_\_
17. \_\_\_\_\_
18. \_\_\_\_\_
19. \_\_\_\_\_
20. \_\_\_\_\_
21. \_\_\_\_\_
22. \_\_\_\_\_
23. \_\_\_\_\_
24. \_\_\_\_\_
25. \_\_\_\_\_
26. \_\_\_\_\_
27. \_\_\_\_\_
28. \_\_\_\_\_
29. \_\_\_\_\_
30. \_\_\_\_\_
31. \_\_\_\_\_
32. \_\_\_\_\_
33. \_\_\_\_\_
34. \_\_\_\_\_
35. \_\_\_\_\_
36. \_\_\_\_\_
37. \_\_\_\_\_
38. \_\_\_\_\_
39. \_\_\_\_\_
40. \_\_\_\_\_

Due Dates

Previous Current

	Previous	Current
1. Staff Recommendation	NONE	04/30/1998
2. Agenda - Regular	NONE	05/12/1998
3. PAA Order	NONE	06/01/1998
4. Close Docket or Revise CASR	NONE	06/22/1998
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		
28.		
29.		
30.		
31.		
32.		
33.		
34.		
35.		
36.		
37.		
38.		
39.		
40.		

Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel \_\_\_\_\_  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with RAR: 04/09/1998

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

Section 3 - Chairmen Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		
X							

- Prehearing Officer

Commissioners					ADM
JN	DS	CL	GR	JC	
					X

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: [Signature]  
 Date: 04/10/1998



# Case Scheduling/Rescheduling Advice

12/17/1998

To: <input checked="" type="checkbox"/> Commissioner Deason <input checked="" type="checkbox"/> Commissioner Clark <input checked="" type="checkbox"/> Commissioner Garcia <input checked="" type="checkbox"/> Commissioner Jacobs <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Ex. Director/Technical <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input checked="" type="checkbox"/> Auditing & Financial Analysis Director <input type="checkbox"/> Communications Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input type="checkbox"/> Electric & Gas Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> Research Director <input checked="" type="checkbox"/> Water & Wastewater Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - T Vaccaro
---	--	---

From: Office of Chairman Julia L. Johnson

Docket No. 980483-WU

Title: Investigation into possible  
overcollection of Allowance for Funds  
Prudently Invested (AFPI) in Lake  
County, by Lake Utility Services, Inc.

## 1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference		01/15/1999	Tallahassee, 152	13:30-17:00
Hearing		01/25/1999	Lake County	10:00-23:59

Remarks: Involves docket(s) 980483-WU 1. UNAVAILABLE DUE TO CHAIRMANSHIP.

## 2. Hearing/Prehearing Assignment Information:

### Former Assignments

	Commissioners						Hrg. Exam.	Staff
	ALL	JN	DS	CL	GR	JC		
<u>Hearing</u>			X		X	X		

### New or Changed Assignments

	Commissioners						Hrg. Exam.	Staff
	ALL	JN	DS	CL	GR	JC		
			X	X	I	X		

### Prehearing Officer

Commissioners						
JN	DS	CL	GR	JC	ADM	
				X		

Commissioners						
JN	DS	CL	GR	JC	ADM	

Reason for Reassignment: 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified

Comments: Document ID is 98048302.CCS



# Case Scheduling/Rescheduling Advice

12/08/1998

To: <input checked="" type="checkbox"/> Commissioner Deason <input type="checkbox"/> Commissioner Clark <input checked="" type="checkbox"/> Commissioner Garcia <input checked="" type="checkbox"/> Commissioner Jacobs <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Ex. Director/Technical <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input checked="" type="checkbox"/> Auditing & Financial Analysis Director <input type="checkbox"/> Communications Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input type="checkbox"/> Electric & Gas Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> Research Director <input checked="" type="checkbox"/> Water & Wastewater Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - T Vaccaro
--	--	---

From: Office of Chairman Julia L. Johnson

Docket No. 980483-WU

Title: Investigation into possible overcollection of Allowance for Funds Prudently Invested (AFPI) in Lake County, by Lake Utility Services, Inc.

## 1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference	01/04/1999	01/15/1999	Tallahassee, 152	13:30-17:00
Hearing		01/25/1999	Lake County	10:00-23:59

Remarks: Involves docket(s) 980483-WU

## 2. Hearing/Prehearing Assignment Information:

### Former Assignments

Hearing	Commissioners						Hrg. Exam.	Staff
	ALL	JN	DS	CL	GR	JC		
			X		X	X		

### New or Changed Assignments

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		

Prehearing Officer

Commissioners					
JN	DS	CL	GR	JC	ADM
				X	

Commissioners					
JN	DS	CL	GR	JC	ADM

Reason for Reassignment: 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified

Comments: Document ID is 98048301.CCS

# Case Scheduling/Rescheduling Advice

12/08/1998

To: <input checked="" type="checkbox"/> Commissioner Deason <input type="checkbox"/> Commissioner Clark <input checked="" type="checkbox"/> Commissioner Garcia <input checked="" type="checkbox"/> Commissioner Jacobs <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Ex. Director/Technical <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input checked="" type="checkbox"/> Auditing & Financial Analysis Director <input type="checkbox"/> Communications Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input type="checkbox"/> Electric & Gas Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> Research Director <input checked="" type="checkbox"/> Water & Wastewater Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - T Vaccaro
--	--	---

From: Office of Chairman Julia L. Johnson

Docket No. 980483-WU

Title: Investigation into possible overcollection of Allowance for Funds Prudently Invested (AFPI) in Lake County, by Lake Utility Services, Inc.

## 1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference	01/04/1999	01/15/1999	Tallahassee, 152	13:30-17:00
Hearing		01/25/1999	Lake County	10:00-23:59

Remarks: Involves docket(s) 980483-WU

## 2. Hearing/Prehearing Assignment Information:

### Former Assignments

Hearing	Commissioners						Hrg. Exam.	Staff
	ALL	JN	DS	CL	GR	JC		
			X		X	X		

### New or Changed Assignments

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		

Prehearing Officer

Commissioners					
JN	DS	CL	GR	JC	ADM
				X	

Commissioners					
JN	DS	CL	GR	JC	ADM

Reason for Reassignment: 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified

Comments: Document ID is 98048301.CCS

# Case Scheduling/Rescheduling Advice

08/24/1998

To: <input checked="" type="checkbox"/> Commissioner Deason <input type="checkbox"/> Commissioner Clark <input checked="" type="checkbox"/> Commissioner Garcia <input checked="" type="checkbox"/> Commissioner Jacobs <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Ex. Director/Technical <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input checked="" type="checkbox"/> Auditing & Financial Analysis Director <input type="checkbox"/> Communications Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input type="checkbox"/> Electric & Gas Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> Research Director <input checked="" type="checkbox"/> Water & Wastewater Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - T Vaccaro
--	--	---

From: Office of Chairman Julia L. Johnson

Docket No. 980483-WU

## RECEIVED

AUG 25 1998

**Title: Investigation into possible overcollection of Allowance for Funds Prudently Invested (AFPI) in Lake County, by Lake Utility Services, Inc.**

FPSC - Records/Reporting

### 1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference		01/04/1999	Tallahassee, 152	13:30-17:00
Hearing	01/20/1999	01/25/1999	Lake County	10:00-23:59

Remarks: Involves docket(s) 980483-WU

### 2. Hearing/Prehearing Assignment Information:

#### Former Assignments

#### New or Changed Assignments

Hearing	Commissioners						Hrg. Exam.	Staff
	ALL	JN	DS	CL	GR	JC		
			X		X	X		

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		

#### Prehearing Officer

Commissioners					
JN	DS	CL	GR	JC	ADM
				X	

Commissioners					
JN	DS	CL	GR	JC	ADM

Reason for Reassignment: 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified

Comments: Document ID is 98048304.CCS

# Case Scheduling/Rescheduling Advice

07/22/1998

To: <input checked="" type="checkbox"/> Commissioner Deason <input type="checkbox"/> Commissioner Clark <input checked="" type="checkbox"/> Commissioner Garcia <input checked="" type="checkbox"/> Commissioner Jacobs <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Ex. Director/Technical <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input checked="" type="checkbox"/> Auditing & Financial Analysis Director <input type="checkbox"/> Communications Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input type="checkbox"/> Electric & Gas Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> Research Director <input checked="" type="checkbox"/> Water & Wastewater Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - T Vaccaro
--	--	---

From: Office of Chairman Julia L. Johnson

Docket No. 980483-WU

## RECEIVED

JUL 23 1998

Title: Investigation into possible overcollection of Allowance for Funds Prudently Invested (AFPI) in Lake County, by Lake Utility Services, Inc.

FPSC - Records/Reporting

### 1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference		01/04/1999	Tallahassee, 152	13:30-17:00
Hearing		01/20/1999	Lake County	10:00-17:00

Remarks: Involves docket(s) 980483-WU

### 2. Hearing/Prehearing Assignment Information:

#### Former Assignments

#### New or Changed Assignments

Hearing	Commissioners						Hrg. Exam.	Staff
	ALL	JN	DS	CL	GR	JC		

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		
		X		X	X		

Prehearing Officer

Commissioners					
JN	DS	CL	GR	JC	ADM

Commissioners					
JN	DS	CL	GR	JC	ADM
				X	

Reason for Reassignment: 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified

Comments: Document ID is 98048303.CCS

# Case Scheduling/Rescheduling Advice

01/22/1999

To: <input checked="" type="checkbox"/> Commissioner Deason <input checked="" type="checkbox"/> Commissioner Clark <input type="checkbox"/> Commissioner Johnson <input checked="" type="checkbox"/> Commissioner Jacobs <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Ex. Director/Technical <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input checked="" type="checkbox"/> Auditing & Financial Analysis Director <input type="checkbox"/> Communications Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input type="checkbox"/> Electric & Gas Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> Research Director <input checked="" type="checkbox"/> Water & Wastewater Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - T Vaccaro
---	--	---

From: Office of Chairman Joe Garcia

Docket No. 980483-WU

Title: Investigation into possible  
overcollection of Allowance for Funds  
Prudently Invested (AFPI) in Lake  
County, by Lake Utility Services, Inc.

## 1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference		01/15/1999	Tallahassee, 152	13:30-17:00
Hearing	01/25/1999	Cancel	Lake County	10:00-23:59

Remarks: Involves docket(s) 980483-WU

## 2. Hearing/Prehearing Assignment Information:

### Former Assignments

Hearing	Commissioners						Hrg. Exam.	Staff
	ALL	GR	DS	CL	JN	JC		
		X		X		X		

### New or Changed Assignments

Commissioners						Hrg. Exam.	Staff
ALL	GR	DS	CL	JN	JC		

### Prehearing Officer

Commissioners					
GR	DS	CL	JN	JC	ADM
				X	

Commissioners					
GR	DS	CL	JN	JC	ADM

Reason for Reassignment: 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified  
 Comments: Document ID is 98048305.CCS



# Case Scheduling/Rescheduling Advice

05/15/1998

To: <input type="checkbox"/> Commissioner Deason <input type="checkbox"/> Commissioner Clark <input type="checkbox"/> Commissioner Garcia <input type="checkbox"/> Commissioner Jacobs <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Ex. Director/Technical <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input checked="" type="checkbox"/> Auditing & Financial Analysis Director <input type="checkbox"/> Communications Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input type="checkbox"/> Electric & Gas Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> Research Director <input checked="" type="checkbox"/> Water & Wastewater Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - T Vaccaro
---	--	---

From: Office of Chairman Julia L. Johnson

Docket No. 980483-WU

## RECEIVED

MAY 19 1998

Title: Investigation into possible overcollection of Allowance for Funds Prudently Invested (AFPI) in Lake County, by Lake Utility Services, Inc.

### 1. Schedule Information

FPSC - Records/Reporting

Event	Former Date	New Date	Location	Time
CSRA Reassignment		05/14/1998	Tallahassee	08:00-23:59

Remarks: Involves docket(s) 980483 -- CORRECTION - PHO COMMISSIONER JACOBS.

### 2. Hearing/Prehearing Assignment Information:

#### Former Assignments

Hearing	Commissioners						Hrg. Exam.	Staff
	ALL	JN	DS	CL	GR	JC		

#### New or Changed Assignments

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		
		X		X	X		

#### Prehearing Officer

Commissioners					
JN	DS	CL	GR	JC	ADM

Commissioners					
JN	DS	CL	GR	JC	ADM
				X	

Reason for Reassignment: 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified

Comments: Document ID is 98048302.CCS

MEMORANDUM

April 5, 1999

RECEIVED-FPSC

99 APR -5 PM 12:40

RECORDS AND REPORTING 189

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (VACCARO) *OV PS*

RE: DOCKET NO. 980483-WU - INVESTIGATION INTO POSSIBLE OVERCOLLECTION OF ALLOWANCE FOR FUNDS PRUDENTLY INVESTED (AFPI) IN LAKE COUNTY, BY LAKE UTILITY SERVICES, INC.

99-0644-15

Attached is an ORDER APPROVING SETTLEMENT OFFER AND CLOSING DOCKET, to be issued in the above-referenced docket.

(Number of pages in order - 4)

TV/dr

Attachment

cc: Division of Water and Wastewater (Willis, Rendell, Austin)

I:\980483-O.TV

3/2

MEMORANDUM

January 21, 1999

RECEIVED

JAN 21 1999

RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (VACCARO) *N*

RE: DOCKET NO. 980483-WU - INVESTIGATION INTO POSSIBLE OVERCOLLECTION OF ALLOWANCE FOR FUNDS PRUDENTLY INVESTED (AFPI) IN LAKE COUNTY, BY LAKE UTILITY SERVICES, INC.

99-0103-PHD-WU

Attached is a PREHEARING ORDER, to be issued in the above-referenced docket.

(Number of pages in order - 14)

**MUST GO TODAY**

TV/dr

Attachment

cc: Division of Water and Wastewater  
(Willis, Chase, Rendell, Austin)

I:\980483PO.TV

*HCC* *3/2*

MEMORANDUM

RECEIVED - F-SC

50 JAN 11 PM 1:55

January 11, 1999

RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (VACCARO) *N*

RE: DOCKET NO. 980483-WU - INVESTIGATION INTO POSSIBLE  
OVERCOLLECTION OF ALLOWANCE FOR FUNDS PRUDENTLY INVESTED  
(AFPI) IN LAKE COUNTY, BY LAKE UTILITY SERVICES, INC.

---

Attached is a NOTICE OF HEARING to be issued in the above-referenced docket.

TV/dr

Attachment

cc: Division of Water and Wastewater  
(Willis, Chase, Rendell, Austin)

I:\980483NH.TV

*see 2*

*faxed - 57  
mailed - 13  
15 P.O. - RAR  
- 1/12/99*

M E M O R A N D U M

December 31, 1998

RECEIVED 10

DEC 30 PM 3:48

RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (VACCARO) *WJS*

RE: DOCKET NO. 980483-WU - INVESTIGATION INTO POSSIBLE  
OVERCOLLECTION OF ALLOWANCE FOR FUNDS PRUDENTLY INVESTED  
(AFPI) IN LAKE COUNTY, BY LAKE UTILITY SERVICES, INC.

---

Attached is a NOTICE OF PREHEARING CONFERENCE, to be issued in  
the above-referenced docket.

(Number of pages in document - 2)

*See 2*

TV/dr

Attachment

cc: Division of Water and Wastewater (Willis, Rendell, Austin)

I:\LUSI-PHC.TV

*21 mai!*



MEMORANDUM

December 29, 1998

RECEIVED TSSO

DEC 29 PM 3:30

RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (VACCARO) *AS*

RE: DOCKET NO. 980483-WU - INVESTIGATION INTO POSSIBLE  
OVERCOLLECTION OF ALLOWANCE FOR FUNDS PRUDENTLY INVESTED  
(AFPI) IN LAKE COUNTY, BY LAKE UTILITY SERVICES, INC.

*98-1762-PCO-WU*

Attached is an ORDER REVISING ORDER ESTABLISHING PROCEDURE, to  
be issued in the above-referenced docket.

(Number of pages in order - 2)

*see!*

TV/dr

Attachment

cc: Division of Water and Wastewater (Austin, Rendell, Willis)

I:\REV-OEP.TV

*2/2*

MEMORANDUM

July 27, 1998

RECEIVED-PPSC ✓

99 JUL 28 PM 1:02

RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (VACCARO) *JVF*

RE: DOCKET NO. 980483-WU - INVESTIGATION INTO POSSIBLE  
OVERCOLLECTION OF ALLOWANCE FOR FUNDS PRUDENTLY INVESTED  
(AFPI) IN LAKE COUNTY, BY LAKE UTILITY SERVICES, INC.

PSC-98-1038-PCO-WU

Attached is an ORDER ESTABLISHING PROCEDURE, to be issued in  
the above-referenced docket.

(Number of pages in order - 8)

TV/dr

Attachment

cc: Division of Water and Wastewater (Austin, Rendell, Willis)

I:\980483EP.TV

**MUST GO TODAY**

2 fax

0 mail

RECEIVED

JUN - 8 1998

3:05  
FPSC - Records/Reporting

MEMORANDUM

June 8, 1998

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (VACCARO) *OV*

RE: DOCKET NO. 980483-WU - INVESTIGATION INTO POSSIBLE  
OVERCOLLECTION OF ALLOWANCE FOR FUNDS PRUDENTLY INVESTED  
(AFPI) IN LAKE COUNTY, BY LAKE UTILITY SERVICES, INC.

*98-0796-FOF-wilk*

---

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER REQUIRING UTILITY TO RECORD AFPI AS CONTRIBUTIONS-IN-AID-OF-CONSTRUCTION, to be issued in the above-referenced docket.

(Number of pages in order - 6)

TV/dr

Attachment

cc: Division of Water and Wastewater (Austin)

I:980483or.tv

*3 fay  
0 mai*



State of Florida

# Public Service Commission

## -M-E-M-O-R-A-N-D-U-M-

**DATE:** January 20, 1999  
**TO:** Blanca Bayó, Director, Records and Reporting  
**FROM:** Joy Kelly, Chief, Bureau of Reporting  
**RE:** DOCKET NOS. 980483-WU, PREHEARING HELD 1-15-99

**RE:** INVESTIGATION INTO POSSIBLE OVERCOLLECTION OF ALLOWANCE FOR FUNDS PRUDENTLY INVESTED (AFPI) IN LAKE COUNTY, BY LAKE UTILITY SERVICES, INC.

DOCUMENT NO. 00648, 1-19-99

The transcript for the above transcribed hearing has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, AFAD, WAW

Acknowledged by:

*mes*

JK/pc

PSC/RAR 28 (Rev7/94)

Commissioners:  
 JOE GARCIA, CHAIRMAN  
 J. TERRY DEASON  
 SUSAN F. CLARK  
 JULIA L. JOHNSON  
 E. LEON JACOBS, JR.



DIVISION OF CONSUMER AFFAIRS  
 BEVERLEE DEMELLO  
 DIRECTOR  
 (850) 413-6100  
 TOLL FREE 1-800-342-3552

## Public Service Commission

May 24, 1999

Ms. Nan Chapman  
 11430 Harder Road  
 Clermont, FL 34711

Re: FPSC Inquiry #255086R

980483-WU

Dear Ms. Chapman:

Thank you for contacting the Florida Public Service Commission (PSC) about Lake Utility Services, Inc. (Lake or utility). I appreciate the opportunity to look into your request for a refund from the utility.

After reviewing the information provided by our Division of Legal Services, we contacted the utility and asked it to review your complaint. Documentation provided by the utility showed that you currently reside in the affected service area and that your service was connected after the first 106 Equivalent Residential Connections.

As I believe you are aware, Docket No. 980483-WU, which addressed your concern, was scheduled for a formal hearing. On June 26, 1998, a protest was filed and the matter was set for hearing on January 25, 1999. Almost all the prehearing work had been completed, depositions were taken, and prehearing notices were sent out and published in the Florida Administrative Weekly. The prehearing conference was held and discovery was completed. The prehearing order was issued. This is the last step before the hearing starts. However, the parties to the docket settled their differences on the Friday afternoon before the hearing was to be held and this ended the case. On January 22, 1999, we were notified of the settlement agreement, which the Commission approved.

During this entire process, we did not receive any notice from other parties who wished to intervene. Only the parties in any PSC hearing can affect the outcome thereof. Since you did not become a party to the hearing, you would not be able to file a protest to the order approving the settlement.

Whenever any hearing is scheduled, the PSC does not prohibit the parties from settling their differences before or at any time during the hearing. Hearings before the PSC are conducted much the same as a court trial. Before a hearing, the attorneys conduct discovery to gain information and documents to prepare their case. Depositions are taken. During the hearing, witnesses are called

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

An Affirmative Action/Equal Opportunity Employer

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

PSC Website: [www.aerl.net/psc](http://www.aerl.net/psc)

AFA  
 APP  
 CAF  
 CMU  
 CTR  
 EAG  
 LEG  
 MAS  
 OPC  
 RRR  
 SEC  
 WAW  
 OTH



Ms. Nan Chapman  
Page 2  
May 24, 1999

and testimony is given. The proceedings are recorded by an official court reporter. After reviewing all the transcripts, the Staff writes its recommendation, the Commissioners review it and vote on what they believe the best decision is for all the customers and the utility. Hearings can be very expensive. The utility may recover these costs in its next request for a rate increase, so that the customers actually bear the costs involved. When a settlement is reached, these costs are greatly minimized.

After the Commissioners vote on a matter, an order is issued detailing their decision and the outcome of the case. In this case, the Commission's original order was issued on June 8, 1998. The monies charged by the utility are to be placed in a special fund for Contributions-in-Aid-of-Construction. This will benefit the customers by keeping rates down.

I wish that every complaint filed with the Commission could be resolved to the complete satisfaction of the customer, but this is not always possible. Please understand that our inability to be of further assistance to you stems from the requirements of our rules and the company's tariffs and not from a lack of concern on our part.

I hope this information is helpful to you. If you have any questions, please contact me at 1-800-342-3552, by toll-free fax at 1-800-511-0809, or at my direct line 1-850-413-6107.

Sincerely,



Beverlee S. DeMello, Director  
Division of Consumer Affairs

BSD:kes

c: Mr. Tim Vaccaro, Legal  
Mr. Jack Shreve, Public Counsel ✓  
Lake Utility Services, Inc.



# Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

980483

DATE: May 6, 1998

TO: Blanca Bayó, Director of Records and Reporting

FROM: Wilbur Stiles, Assistant to Commissioner Clark

RE: Communication Received in Docket No. ~~960483-WU~~

RECEIVED

MAY - 8 1998

FPSC - Records/Reporting

Attached is a copy of a letter received by our office from Mr. Ben Girtman, representing Lake Utility Services, Inc., on May 5, 1998. Please place this memorandum and attachment on the correspondence side of the docket file.

BEN E. GIRTMAN

*Attorney at Law*

1020 East Lafayette Street  
Suite 207  
Tallahassee, Florida 32301-4552

Telephone: (904) 656-3232  
(904) 656-3233  
Facsimile: (904) 656-3233

May 4, 1998

RECEIVED

Mr. Charles C. Hill, Director  
Division of Water and Wastewater  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Florida Public Service Comm.  
Commissioner Clark

Re: Docket No. 980483-WU, Lake Utility Services, Inc.  
Allowance for Funds Prudently Invested (AFPI)  
May 12 Agenda Conference, Item 24

Dear Mr. Hill:

The Staff Recommendation for Item 24 of the Agenda Conference scheduled for May 12 has been received and reviewed by the utility.

After the utility's lengthy correspondence on two occasions responding to Staff inquiries, Staff now agrees that the utility properly collected AFPI from the additional service area. It also acknowledges in the Staff Recommendation that the revised tariffs do reference AFPI for Crescent Bay and the additional territory, but that it "was an oversight during the staff approving process" for the APPI to be made applicable to the additional territory. The only remaining Staff concern appears to be whether the utility properly or improperly collected AFPI for more than 106 ERCs.

It is still the utility's opinion that Staff is incorrectly interpreting the tariff and the Commission's practice. When a new territory is added to an existing certificated service area, it has been Commission practice to make all of the existing rates and charges applicable to the new area. This has been the practice even though it is recognized that the addition of the new territory may well have an impact on the cost of service and the resulting rates and charges. The reasons for taking this approach have been to allow a utility to expeditiously serve the new area and to postpone any specific and factual analysis of rates and charges (and the cost associated with such analysis) until the next full rate case. To our knowledge, this is a long-standing practice, that, imperfect as it may be, has worked well, and has saved substantial dollars in rate case expense which otherwise would be passed on to the customers.

This Commission practice recognizes that the monthly rates and the AFPI charges go hand in hand. The monthly rates are designed to cover the costs associated with used and useful facilities, and

Mr. Charles C. Hill  
May 4, 1998  
Page 2

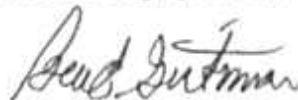
the AFPI charges are designed to recover costs associated with non-used facilities. They are two sides of the same coin. However, the Staff's recommendation is for the Commission to address the two sides differently. It thwarts the Commission's purpose and practice aimed at postponing the expense of economic analysis and development of revised rates and charges until the next rate case. And in this case, Staff is recommending that the Commission do so retroactively.

Since the time the additional territory was approved and the tariff charges were approved and made applicable to that new territory, the utility has relied on the revenue from monthly charges to customers and the AFPI revenue from new hookups. If the utility is required to refund a portion of the AFPI charges, it does not have the option of retroactively applying for a change in rates to existing customers to make up for that shortfall. The utility does not have any objection to modifying its collection of AFPI on a going forward basis.

In fact, the utility has just completed a rate case for the entire service area and is awaiting a PAA order. Revised tariff sheets have been submitted to the Commission for approval of new AFPI charges. [See Docket No. 960444-WU, PAA Order No. PSC-97-0531-FOF-WU, and correspondence dated April 8, 1998, with proposed tariff sheets from Mr. Richard D. Melson to Mr. Charles H. Hill.]

After extensive analysis, the utility strongly believes that its interpretation of the tariffs is correct. In addition to the tariffs attached to the Staff Recommendation, correspondence and exhibits reflect the extensive research and the basis for the utility's position in this matter. It is the utility's hope that a full hearing can be avoided by focusing on this matter now.

Sincerely yours,



Ben E. Girtman

cc: Commissioner Julia L. Johnson  
Commissioner Joe A. Garcia  
Commissioner J. Terry Deason  
Commissioner Susan F. Clark  
Commissioner E. Leon Jacobs  
Ms. Shannon J. Austin  
Mr. Mark Kramer  
Mr. Frank Seidman

STATE OF FLORIDA

Commissioners:  
JULIA L. JOHNSON, CHAIRMAN  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS, JR.



DIVISION OF RECORDS & REPORTING  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770

**Public Service Commission**

December 22, 1998

Ms. Marian DeAnnuntis  
691 Montrose Street  
Clermont, FL 34712

**Re: Docket No. 980483-WS - Investigation into possible overcollection of Allowance for Funds Prudently Invested (AFPI) in Lake County, by Lake Utility Services, Inc.**

Dear Ms. DeAnnuntis:

This will confirm our reservation of the Jenkins Auditorium for the purpose of holding a hearing on January 25, 1999, in the above-referenced matter. The hearing will begin at 10:00 a.m. and end by 5:00 p.m. We expect approximately 200 people to attend the hearing. Please arrange the room in accordance with the enclosed diagram by 8:00 a.m.

As previously discussed, the charge for use of the room is <sup>290.00</sup> \$450 (\$30 per hour), and payment will follow once the hearing is held and an invoice received. Copies of the room diagram, certificates of tax exemption and insurance, and application for use of the auditorium are enclosed. The purchase order will be forwarded shortly.

I appreciate the opportunity to use this facility for our hearing. Please call my assistant, Sandy Moses, at (850) 413-6728 if you have any questions regarding this matter.

Sincerely,

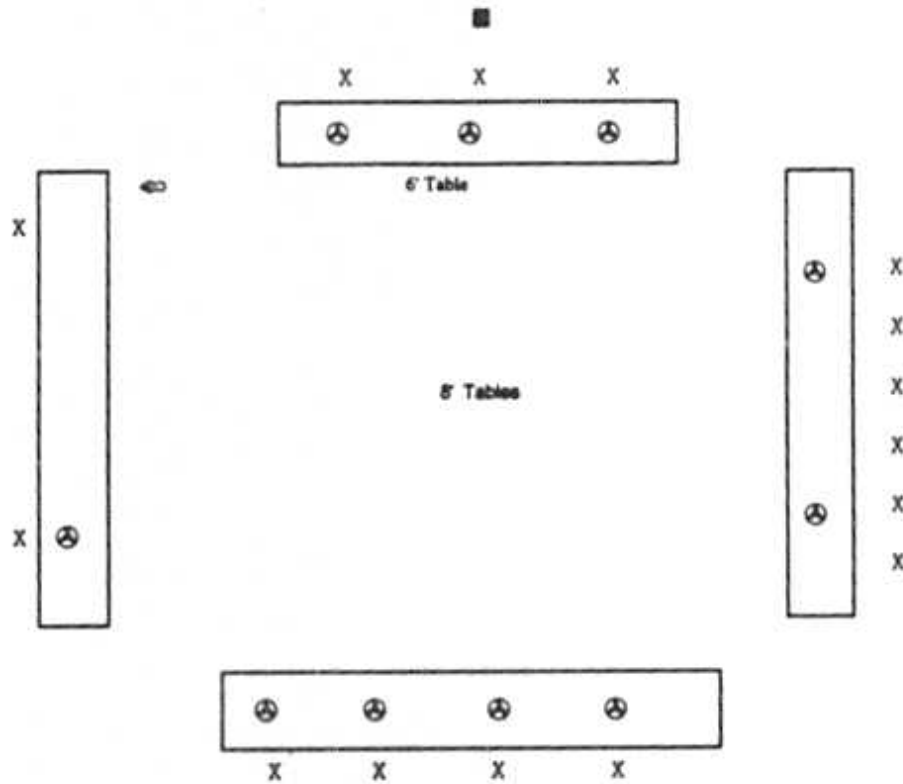
A handwritten signature in cursive script that reads "Blanca S. Bayo".

Blanca S. Bayo

BSB/sm  
Enclosures

Florida Public Service Commission  
 Hearing Room Configuration for  
 Docket No. 980483-WS - Lake Utility Services, Inc.

January 25, 1999  
 10:00 a.m.  
 Jenkins Auditorium, Clermont, FL



Theater-style Seating for 200



**LEGEND:**

- X Chairs
- ⊕ Microphones
- Wastebaskets
- ↔ Location where court reporter's cassette recorder will be plugged into audio system.

**Consumer's Certificate of Exemption**This Certificate is  
Non-transferable.DR-14  
R. 12/97

Issued Pursuant to Chapter 212, Florida Statutes

Issue Date

Expiration Date

Certificate Number

Type of Organization

12/16/97

12/16/2002

47-00-025398-52C

STATE GOVERNMENT

This Certifies That

93 FEB 13 PM 2:06

FLORIDA PUBLIC SERVICE COMMISSION  
2540 SHUMARD OAK BLVD - 125 GUNTER BLDG  
TALLAHASSEE FL 32399-0850

is Exempt From the Payment of Sales and Use Tax on the Purchase or Lease of Tangible Personal Property, the Lease of Transient Rental Accommodations or Real Property.

L.H. Fuchs  
Executive Director



Florida Department of Revenue

**Important Facts**DR-14  
R. 12/97

- Provide all vendors with a copy of your Consumer's Certificate of Exemption before making tax-exempt purchases.
- Your Consumer's Certificate of Exemption is to be used solely for your organization's customary nonprofit activities.
- Purchases by the exempt organization are only exempt when the Consumer's Certificate of Exemption is presented to the vendor and the payment is made directly by the organization.
- Purchases made by an individual on behalf of the organization are taxable, even if the individual is reimbursed by the organization.
- Transactions by an exempt organization such as sales or leases of tangible personal property, transient rental or sleeping accommodations, real property, or docking spaces are taxable. The organization must register for sales and use tax certification, and collect and remit sales tax on those transactions. Note: Churches are exempt from this requirement except when they are the lessor of real property (Section 12A-1.070, Florida Administrative Code).
- Changes in the organization's purpose, federal exemption status, or address must be reported immediately to the Department of Revenue.

**UNDER NO CIRCUMSTANCES SHOULD THIS EXEMPTION BE USED FOR THE PERSONAL BENEFIT OF ANY INDIVIDUAL. ANY MISUSE OF THIS EXEMPTION WILL NECESSITATE ITS REVOCATION.**

If you have any questions or need assistance, please contact:

Central Registration  
5050 W TENNESSEE ST  
TALLAHASSEE FL 32399-0100  
850-487-4130





**FLORIDA CASUALTY INSURANCE  
RISK MANAGEMENT TRUST FUND**

Policy Number: GL-98-2700

General Liability  
Certificate of Coverage

Name Insured: PUBLIC SERVICE COMMISSION

General Liability Coverage provided pursuant to Chapter 284, Part II, Section 768.28,  
Florida Statutes, and any rules promulgated thereunder.

Coverage Limits:

General Liability: \$100,000.00 each person  
\$200,000.00 each occurrence

Inception Date: 7/1/98

Expiration Date: 7/1/99

Bill Nelson

TREASURER AND  
INSURANCE COMMISSIONER

# GENERAL LIABILITY CERTIFICATE OF COVERAGE

In consideration of the provisions and stipulations contained herein or added hereto and for the premium charged, the Florida Casualty Insurance Risk Management Trust Fund, hereinafter referred to as the "Fund", certifies that the State department or agency named in this certificate is hereby provided general liability coverage. Coverage shall be effective on the inception date at 12:01 A.M. standard time.

This certificate is composed of the foregoing provisions and stipulations, together with such other provisions and stipulations as may be added hereto by the Fund in the future.

## I. COVERAGES

### General Liability Coverage—Bodily and Property Damage

To pay on behalf of the insured all sums which the insured shall become legally obligated to pay as damages for injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any officer, employee agent or volunteer of the named insured, as such terms may be further defined herein or by administrative rule, while acting within the scope of his office or employment, pursuant to the provisions and limitations of Chapter 284, Part II and Section 708.28, Florida Statutes.

## II. DEFENSE, SETTLEMENT, SUPPLEMENTARY PAYMENTS

With respect to such coverage as is afforded by this certificate, the Fund shall:

- defend any suit against the insured alleging such injury, sickness, disease, death or destruction of property and seeking damages on account thereof, even if such suit is groundless, false, or fraudulent, but the Fund may make such investigation, negotiation, and settlement of any claim or suit as it deems appropriate;
- pay all premiums on bonds to release attachments and on appeal bonds required in any such defended suit for an amount not in excess of the applicable limit of liability established in this certificate;
- pay all expenses incurred by the Fund, all costs taxed against the insured in any such suit, and all interest accruing after entry of judgment until the Fund has paid, tendered, or deposited in court that part of such judgment as does not exceed the limit of the Fund's liability thereon;
- pay expenses incurred by the insured for such immediate medical relief to others as shall be imperative at the time of the accident.

## III. DEFINITIONS

- Named Insured—The department or agency named herein.
- Insured—State department or agency named herein, their officers, employees, agents or volunteers.
- Volunteer—Any person who of his own free will, provides goods or services to the named insured, with no monetary or material compensation as defined in Chapter 110, Part IV, Florida Statutes.
- Agent—Any person not an employee, acting under the direct control and supervision of a state agency or department, for the benefit of a state agency or department.
- Automobile—A land motor vehicle, trailer, or semi-trailer designed and licensed for use on public roads (including machinery or apparatus attached thereto), but does not include mobile equipment.
- Mobile Equipment—A land vehicle (including machinery or apparatus attached thereto), whether or not self-propelled; (1) not subject to motor vehicle registration, or (2) maintained for use exclusively on premises owned by or rented to the named insured, including the ways immediately adjoining, or (3) designed for use principally off public roads, or (4) designed or maintained for the sole purpose of affording mobility to equipment of the following types forming an integral part of or permanently attached to such vehicle: power cranes, shovels, loaders, diggers and drills; concrete mixers (other than the mix-in-transit type); graders, scrapers, rollers and other road construction or repair equipment; air-compressors, pumps and generators, including spraying, welding and building cleaning equipment; and geophysical exploration and well-servicing equipment.

## IV. EXCLUSIONS

This certificate does not apply:

- to bodily injury or property damage arising out of the ownership, maintenance, operation, use, loading or unloading of:
  - any automobile owned or operated by or rented or loaned to any insured, or
  - any other automobile operated by any person in the course of his employment by any insured, but this exclusion does not apply to the parking of an automobile on premises owned by, rented to, or controlled by the named insured or the ways immediately adjoining, if such automobile is not owned by, rented, or loaned to any insured;
- to any action which may be brought against the named insured by anyone who unlawfully participates in riot, unlawful assembly, public demonstration, mob violence, or civil disobedience, if the claim arises out of such riot, unlawful assembly, public demonstration, mob violence, or civil disobedience.
- to any obligation for which the insured or the Fund may be held liable under any employer's liability or workers' compensation law.

- to property damage to property owned or occupied by the insured;
- to property damage to premises situated by the insured arising out of such premises or any part thereof;
- to loss of use of tangible property which has not been physically injured or destroyed, resulting from:
  - a delay in or lack of performance by or on behalf of the named insured of any contract or agreement;
  - the failure of the named insured's products, or work performed by or on behalf of the named insured to meet the level of performance, quality fitness, or durability warranted or represented by the named insured;
- to property damage to the named insured's products arising out of such products or any part of such products;
- to property damage to work performed by or on behalf of the named insured arising out of the work or any portion thereof, or out of materials, parts, or equipment furnished in connection therewith; (same as tort domain proceedings or damage to persons or property of others arising therefrom);
- to punitive damages;
- to actions of insureds committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property;
- to professional medical liability of the Board of Regents, the physicians, officers, employees, or agents of the board;
- to liability related in any way with nuclear energy;
- to liability assumed by the insured under any contract or agreement;
- to final judgments in which the insured has been determined to have caused the harm intentionally;
- to awards for injunctive, declaratory, or prospective relief rendered against an insured by any federal or state court, agency or commission.

## V. CONDITIONS

### A. Premiums

Premium charges shall be assessed in accordance with the provisions of Chapter 284, Part II, Florida Statutes and any rules promulgated thereunder.

### B. Audit

The Fund shall be permitted to examine and audit the insured's books and records at any time during the term of this coverage and any extension thereof, and within three years after the final termination of this coverage, as far as they relate to the premium bases or the subject matter of this coverage.

### C. Insured's Duties in the Event of Occurrence, Claim or Suit

- Event of Occurrence  
Written notice containing particulars sufficient to identify the insured, along with reasonably obtainable information with respect to the time, place and circumstances thereof, the names and addresses of the injured and all known witnesses, shall immediately be given by or for the insured to the Fund.
- Notice of Claim or Suit  
If claim is made by suit brought against the insured, the insured shall immediately forward to the Fund every demand, notice, summons, or other process received by him or his representative. Failure by the insured to advise the Fund of a claim or suit prior to a settlement agreement or the insured otherwise obligating itself, shall void coverage by the Fund, for that claim.
- Assistance and Cooperation of the Insured  
The insured shall cooperate with the Fund and, upon the Fund's request, assist in making settlements, in the conduct of suits and in enforcing any right of contribution or indemnity against any person or organization who may be liable to the insured because of injury or damage with respect to which coverage is afforded under this certificate, and the insured shall upon request, make available all agency records pertaining to a specific claim, shall attend hearings and trials and assist in securing and giving evidence and obtaining the attendance of witnesses. The insured shall not, except at his own cost, voluntarily make any payment, assume any obligation or incur any expenses other than for first aid to others at the time of accident.
- Action Against the Fund  
No action shall be against the Fund unless, as a condition precedent thereto, the insured shall have been in full compliance with all of the terms of this certificate and the provisions of applicable Florida Statutes.

the inclusion herein of more than one insured shall not operate to increase the limits of the Fund's liability.

(6) **Limits of Liability**

The limit of liability expressed herein is applicable to "each person" as the limit of the Fund's liability for all damages, including damages for care and loss of services, arising out of personal injury and property damage sustained by one person as a result of any one occurrence; but the total liability of the Fund for all damages sustained by two or more persons as a result of any one occurrence shall not exceed the limit of liability as applicable "each occurrence".

(7) **Other Insurance**

If there is insurance applicable to any claim, the coverage extended by this certificate shall apply only as excess insurance over any and all other applicable insurance.

(8) **Terms of Coverage**

This certificate is issued for the purpose of confirming coverage as contemplated by Chapter 284, Part II, Florida Statutes. In the event of any conflict between provisions or coverages in this certificate and the provisions of any Florida Statute or laws including, but not limited to the aforesaid, said statute and laws shall control.

**Cancellation**

This certificate may be cancelled by the Fund by mailing to the named insured herein by written notice stating why and when such cancellation shall be effective. The mailing of notice shall be sufficient proof of notice. The effective date and hour of cancellation stated in the notice shall become the end of the coverage period. Hand delivery of such written notice to the Fund shall be equivalent to mailing.

**CITY OF CLERMONT**  
**APPLICATION FOR USE OF JENKINS AUDITORIUM/HIGHLANDER HUT**

Date: December 21, 1998

1. Date of Use: January 25, 1999

2. Activity: Commission hearing Sponsor: Public Service Commission

3. Hours of Use: Between 8:00 a.m. and 5:00 p.m. Setup Time 7:00 a.m.

4. Applicant's Name: Florida Public Service Commission

Address: 2540 Shumard Oak Blvd. Telephone No.: (850) 413-6728  
Tallahassee, FL 32311

5. Briefly describe the activity (including fees to be charged, if any): Public hearing in  
Docket 980483-WU Lake Utility Services, Inc. investigation of AFPI

6. The following named persons (at least four) will be in attendance as chaperones (only if applicable): N/A

7. List any equipment desired (chairs, tables, microphones, etc.) and number of each: See  
attached diagram.

8. Is kitchen to be used? Yes  No  Catered

I understand and agree that I am responsible for any vandalism or damage to the building and/or fixtures. As assurance of such responsibility, I am posting the required deposit, which will be returned within a week following the activity, providing that the auditorium or Highlander Hut and fixtures are not damaged, that equipment is properly stored, and additional cleanup is not needed.

I further certify that I have read, understand and agree to comply with the RULES GOVERNING THE USE OF JENKINS AUDITORIUM OR THE HIGHLANDER HUT.

*Sandy Mason for Blanca Bay*  
Applicant's Signature

Approved by: \_\_\_\_\_

**OFFICE USE ONLY**

Deposit made by: \_\_\_\_\_ Address: \_\_\_\_\_

Date of Deposit: \_\_\_\_\_ Receipt No.: \_\_\_\_\_ Amount: \_\_\_\_\_

Rental Fee: \_\_\_\_\_ Repair Charges: \_\_\_\_\_

Date Deposit Returned: \_\_\_\_\_ Check No.: \_\_\_\_\_ Amount: \_\_\_\_\_

## RULES GOVERNING THE USE OF JENKINS AUDITORIUM

### RESERVATIONS

1. Reservations should be made well in advance, preferably three (3) weeks before the intended use. An application must be completed and approved by the Chamber Director or designee. Reservations will not be considered confirmed until the applicant has received written notification and paid the required deposit and applicable rental fees.
2. Reservations which are canceled less than ten days prior to the scheduled use are subject to a \$20.00 cancellation charge.
3. Reservation may be made for regularly scheduled use of the auditorium, but only with the understanding that special event programs may cause cancellation of the regularly scheduled use.

### DEPOSITS

Deposits shall be required and shall be paid at the time of reserving the facility. The deposit amount shall be in conformance with the rate schedule adopted by the City Council.

Any expenses for cleanup or repairs will be deducted from the deposit and the balance returned to the user. The City Manager may waive or increase the deposit requirement when past experience indicated that a change in the deposit is necessary. In the event that cleanup and/or repair expenses exceed the amount of the deposit, the user shall be required to pay the excess costs.

### RENTAL FEES

Rental fees shall be charged in conformance with the schedule of fees adopted by the City Council.

Fees shall be calculated on one-half (1/2) hour increments with minimum charges as outlined in the adopted fee schedule. Fees shall be assessed from the time the renter occupies the facility until vacated.

## RESPONSIBILITY OF USERS

Users are responsible for leaving the building, including the lobby, kitchen and bathrooms, in as good condition as they were before use. All chairs, tables and other equipment are to be replaced in proper storage areas, trash is to be placed in outside receptacles located at the rear of the building. Sweeping, mopping and other housekeeping duties are to be performed as required. The user may contract cleanup with the city contract holder.

ANY EXPENSES OR REPAIRS WILL BE DEDUCTED FROM THE DEPOSIT and the balance returned to the user. The City Manager may waive or increase the deposit requirement when past experiences indicate that a change in the deposit is necessary. In the event that cleanup and/or repair expenses exceed the amount of the deposit, the user shall be required to pay the excess costs.

2. THE BUILDING SHALL NOT BE LEFT UNATTENDED AT ANY TIME. A Chamber representative will be present to open and close the facility for all events. The user will not leave the facility until inspected and secured by the Chamber representative.
3.
  - a) ALL LARGE GATHERINGS, DANCES, ETC. ARE REGISTERED WITH THE CLERMONT POLICE DEPARTMENT.
  - b) LARGE GATHERINGS require the hiring of an off-duty Clermont Policeman or Lake County Sheriff's Deputy for security.

## PROHIBITIONS

The following SHALL NOT BE PERMITTED in the building without written permission of the City Manager:

1. FLAMMABLE SUBSTANCES
2. ANIMALS (except seeing eye dogs)
3. ALCOHOLIC BEVERAGES OR DRUGS
4. NO SMOKING is permitted in the building.
5. NOTHING is to be attached in any manner to the walls or ceiling of the building.
6. MACHINERY, props or other special equipment must have prior approval.

\* Wine or champagne toasts are allowed at weddings and anniversary parties when served in conjunction with food.

**BUILDING ACCESS AND INSPECTION**

A Chamber representative will be present to open the facility for reserved events and will inspect and close the building upon departure of the user.

**ADDITIONAL CONDITIONS**

---

---

---

---

---

---

---

---

I hereby agree to the rules and conditions as stated.

Florida Public Service Commission

2540 Shumard Oak Blvd.

Tallahassee, FL 32399

(Name and Address)

(850) 413-6728

(Telephone Number)

December 21, 1998

Date of Reservation

March 10-11, 1999

Date of Use



CITY OF CLERMONT  
RESOLUTION  
No. 935

A RESOLUTION OF THE CITY OF CLERMONT, LAKE COUNTY,  
FLORIDA AMENDING THE RATE SCHEDULE FOR USE OF JENKINS  
AUDITORIUM AND THE HIGHLANDER HUT, REPEALING ANY  
RESOLUTION IN CONFLICT HEREWITH, AND PROVIDING FOR AN  
EFFECTIVE DATE.

WHEREAS, the City Council of the City of Clermont deems it to be in the best interest  
of the City to establish and from time to time amend rental rates for the usage of Jenkins  
Auditorium and the Highlander Hut.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Clermont  
that the following rates shall be charged for the indicated uses and categories of users:

A. JENKINS AUDITORIUM:

	<u>Hourly Rate</u>
1. <u>City of Clermont Residents:</u>	
a. Not for Profit Use	\$15 (\$30 minimum)
b. For Profit Use	\$35 (\$105 minimum)
2. <u>Non-Residents:</u>	
a. Not for Profit Use	\$30 (\$60 minimum)
b. For Profit Use	\$45 (\$135 minimum)
3. <u>Civic Organizations:</u>	
a. Local	\$10 (\$20 minimum)
b. Non-Local	\$25 (\$75 minimum)
4. <u>Exempt Users:</u>	
a. Local Government sponsored activities	Charged for actual cleanup costs and building opening and/or closing costs.
b. Local Scout Troops	
c. Local School sponsored or associated activities	
d. Local Youth Ball Leagues	
e. Local Hospital, Blood Bank, and Red Cross	

B. JENKINS AUDITORIUM KITCHEN:

All users except local civic organizations and  
exempt users listed in Section A 4: \$10 (\$20 minimum)

CITY OF CLERMONT  
RESOLUTION

No. 935

Page 2

**C. RESERVATIONS:**

Reservations for use must be made in advance and must be accompanied by the required deposit and rental fees.

**D. DEPOSIT:**

1. Minimum	\$50
2. Weddings, Reception, Parties, Dances (Not for Profit), Events serving food and/or beverages	\$150
3. For Profit Activities	\$200
4. Sound System Use (Requires approved Operator)	\$100 in addition to above

A deposit may be waived, decreased, or increased when past experience indicates any adjustment is necessary or warranted.

The deposit shall be returned following inspection of the premises. The cost of required maintenance or damages repair related to the rental activity shall be deducted from the deposit. In the event the deposit is insufficient to cover expenses, the renter shall be billed for the difference.

CITY OF CLERMONT  
RESOLUTION

No. 935

Page 3

**E. SECURITY:**

Renters may be required by the City to provide security, at renters expense, for certain events. Off-duty Clermont Police Officers shall be utilized when available, and compensated at the current normal rate. If in the event Clermont officers are not available, the City must approve other security to be used.

**F. HIGHLANDER HUT:**

Fees for use of the Highlander Hut shall be one-half those charged for Jenkins Auditorium, as outlined in Sections A through D.

NOW, THEREFORE; BE IT FURTHER RESOLVED, THAT THE ABOVE SAID FEES OF THE CITY OF CLERMONT ARE HEREBY ADOPTED AND BECOME EFFECTIVE JANUARY 1, 1997.

DONE AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA THIS 10~~th~~ DAY OF DECEMBER, 1996.

  
Robert A. Pool, Mayor

Attest:

  
Joseph E. Van Zile, City Clerk

STATE OF FLORIDA

Commissioners  
JULIA L. JOHNSON, CHAIRMAN  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS, JR.



DIVISION OF RECORDS & REPORTING  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770

**Public Service Commission**

December 30, 1998

CP  
12/30/98

Mr. Dave Funderbunk  
Sound Vision, Inc.  
6669 Rivo Alto Street  
Orlando, FL 32809

**Re: Docket No. 980483-WU - Investigation into possible overcollection of Allowance for Funds Prudently Invested (AFPI) in Lake County, by Lake Utility Services, Inc.**

Dear Mr. Funderbunk:

This will confirm the rental of audio equipment for a Commission hearing to be held on January 25, 1999, in the above-referenced matter. The hearing is scheduled to begin at 10:00 a.m. at the Jenkins Auditorium, 691 Montrose Street, Clermont, Florida. As discussed, the fee for providing this equipment will be \$350. Payment will be made after services are rendered and upon receipt of an invoice.

The enclosed diagram demonstrates the number of microphones and the location for each. Our court reporter's cassette recorder should be plugged into the audio system and the microphones arranged in accordance with the diagram by 9:00 a.m. Please contact Ms. Marian DeAnnuntis at (352) 394-4191 regarding access to the auditorium.

I look forward to working with you and your staff. If you have questions regarding this matter, please call my assistant, Sandy Moses, at (850) 413-6728.

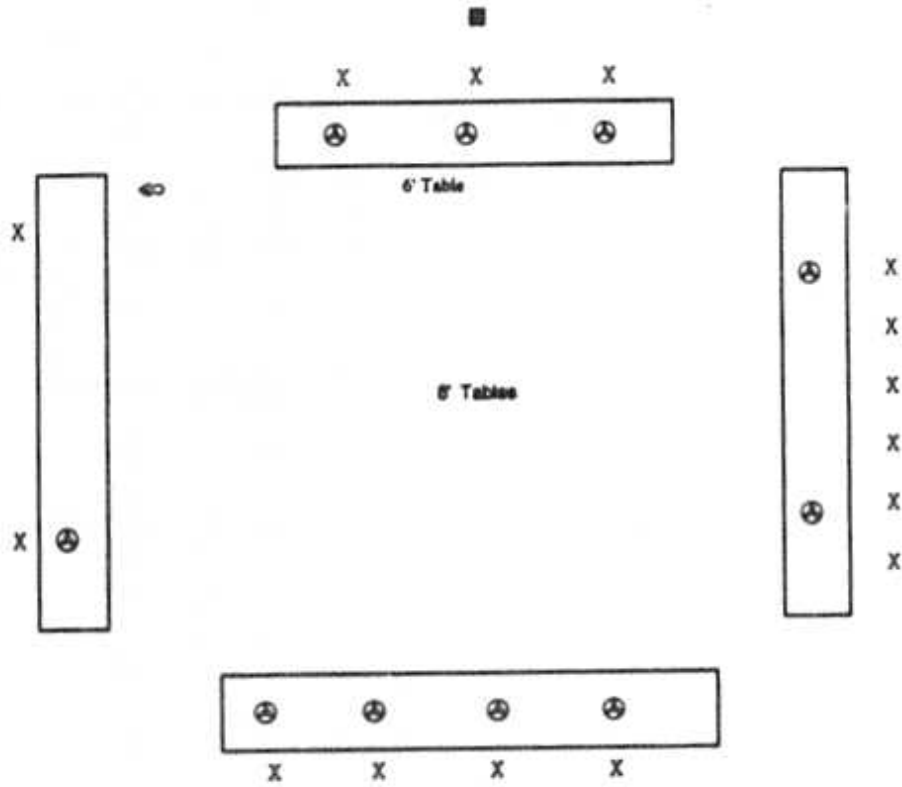
Sincerely,

*Blanca S. Bayo*  
Blanca S. Bayo

Enclosure

Florida Public Service Commission  
 Hearing Room Configuration for  
 Docket No. 980483-WS - Lake Utility Services, Inc.

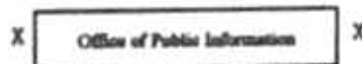
January 25, 1998  
 10:00 a.m.  
 Jenkins Auditorium, Clermont, FL



Theater-style Seating for 200



6' Table outside entrance of room



**LEGEND:**

- X Chairs
- ⊕ Microphones
- Wastebaskets
- ↔ Location where court reporter's cassette recorder will be plugged into audio system.

STATE OF FLORIDA

Commissioners:  
JOE GARCIA, CHAIRMAN  
J. TERRY DEASON  
SUSAN F. CLARK  
JULIA L. JOHNSON  
E. LEON JACOBS, JR.



DIVISION OF RECORDS & REPORTING  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770

## Public Service Commission

January 13, 1999

Mr. Ray Hosmer  
Lake County Sheriff's Office Substation  
882 W. DeSoto Street  
Clermont, FL 34711

**Re: 980483-WS - Investigation into possible over collection of Allowance for Funds Prudently Invested (AFPI) in Lake County, by Lake Utility Services, Inc.**

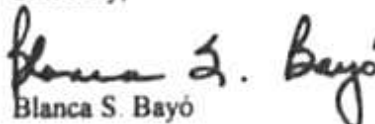
Dear Mr. Hosmer:

This will confirm arrangements for an off duty police officer for the purpose of providing security at a Commission hearing in the above-referenced matter on January 25, 1999. The hearing will be held at the Jenkins Auditorium, 691 Montrose Street, Clermont, beginning at 10:00 a.m., however, the officer should report for duty at 9:30 a.m.

As discussed, the charge for this detail is \$16.00 per hour with a four-hour minimum. Payment to the officer will follow once the hearing is held and as soon as the invoice is processed by our Fiscal Office.

I appreciate your assistance in this matter, and if you have any questions, please call my assistant, Sandy Moses, at (850) 413-6728.

Sincerely,

  
Blanca S. Bayo

BSB/sm

STATE OF FLORIDA

COMMISSIONERS:  
JULIA L. JOHNSON, CHAIRMAN  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS, JR.



DIVISION OF RECORDS & REPORTING  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770

**Public Service Commission**

January 22, 1999

Ms. Marian DeAnnuntis  
691 Montrose Street  
Clermont, FL 34712

**Re: Docket No. 980483-WS - Investigation into possible overcollection of Allowance for Funds Prudently Invested (AFPI) in Lake County, by Lake Utility Services, Inc.**

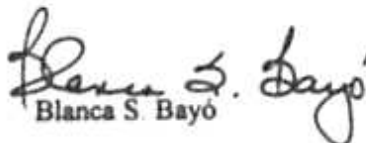
Dear Ms. DeAnnuntis:

This will confirm cancellation of our January 25, 1999 reservation of the Jenkins Auditorium. The hearing in the above-referenced docket has been cancelled due to resolution of the matter between the parties. I apologize for any inconvenience this short notice may have caused you. The \$20.00 cancellation fee will be forwarded shortly.

I appreciate your assistance in this matter, and I look forward to working with you and the staff of the South Lake County Chamber of Commerce in the future.

If you have questions regarding this matter, please call my assistant, Sandy Moses, at (850) 413-6728.

Sincerely,

  
Blanca S. Bayo

BSB/sm





## **Public Service Commission**

### **NOTICE TO CUSTOMERS OF LAKE UTILITY SERVICES, INC.**

*RE: Docket No. 980483-WU - Investigation into possible over collection of Allowance for Funds Prudently Invested (AFPI) in Lake County by Lake Utility Services, Inc.*

The hearing scheduled for January 25, 1999, in the above-referenced case has been canceled due to resolution of the matter between all parties. If you have questions or concerns regarding this matter, please call one of the following Florida Public Service Commission staff members:

— Mr. Tim Vaccaro (850) 413-6934

Mr. Troy Rendell (850) 413-6181

Ms. Shannon Austin (850) 413-7021.

---

CITY OF CLERMONT  
APPLICATION FOR USE OF JENKINS AUDITORIUM/HIGHLANDER HUT

Date: December 21, 1998

1. Date of Use: January 25, 1999  
2. Activity: Commission hearing Sponsor: Public Service Commission

3. Hours of Use: Between 8:00 a.m. and 5:00 p.m. Setup Time 7:00 a.m.

4. Applicant's Name: Florida Public Service Commission

Address: 2540 Shumard Oak Blvd. Tallahassee, FL 32311 Telephone No.: (850) 413-6728

5. Briefly describe the activity (including fees to be charged, if any): Public hearing in Docket 980483-VU - Lake Utility Services, Inc. investigation of APPI

6. The following named persons (at least four) will be in attendance as chaperones (only if applicable): N/A

7. List any equipment desired (chairs, tables, microphones, etc.) and number of each: See attached diagram.

8. Is kitchen to be used? Yes  No  Catered

I understand and agree that I am responsible for any vandalism or damage to the building and/or fixtures. As assurance of such responsibility, I am posting the required deposit, which will be returned within a week following the activity, providing that the auditorium or Highlander Hut and fixtures are not damaged, that equipment is properly stored, and additional cleanup is not needed.

I further certify that I have read, understood and agree to comply with the RULES GOVERNING THE USE OF JENKINS AUDITORIUM OR THE HIGHLANDER HUT.

[Signature]  
Applicant's Signature

Approved by: [Signature]

OFFICE USE ONLY

Deposit made by: \_\_\_\_\_ Address: \_\_\_\_\_  
Date of Deposit: \_\_\_\_\_ Receipt No.: \_\_\_\_\_ Amount: \_\_\_\_\_  
Rental Fee: \_\_\_\_\_ Repair Charges: \_\_\_\_\_  
Date Deposit Returned: \_\_\_\_\_ Check No.: \_\_\_\_\_ Amount: \_\_\_\_\_

BEN E. GIRTMAN  
*Attorney at Law*

1020 East Lafayette Street  
Suite 207  
Tallahassee, Florida 32301-4552

Telephone: (850) 656-3232  
(850) 656-3233  
Facsimile: (850) 656-3233

December 17, 1998

Tim Vaccaro, Esq.  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: Request for Documents pursuant to Chapter 119, Florida Statutes.  
Docket No. 980483-WU, Investigation into Possible Overcollection of Allowance for  
Funds Prudently Invested (AFPI) in Lake County by Lake Utilities Services, Inc.

Dear Mr. Vaccaro:

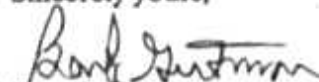
In the draft prehearing statement provided to me by facsimile on Wednesday afternoon, there is mention of a customer inquiry about rates in the service area. This appears to be someone other than the developer, Mr. Olesen.

Please provide copies of the following information in regard to that other customer mentioned in the draft, and please notify me when and where the copies may be picked up.

1. Documents which provide the name, address and phone number of the customer, and a statement of her specific inquiry, request, or complaint.
2. Any and all files, documents, computer data, reports, analysis, photocopies or other materials of any kind prepared by or received by the Commission Staff or by the Commissioners relating to that other, unnamed customer, including but not limited to all correspondence between the customer and anyone at the Florida Public Service Commission.
3. All internal notes, memoranda, e-mail, or other documents or data generated by or received by the Commission Staff or by Commissioners, including but not limited to the disposition of the matter by the Commission Staff or by the Commissioners.

Thank you.

Sincerely yours,

  
Ben E. Girtman

Provided  
12/23/98

STATE OF FLORIDA

Commissioners:  
JULIA L. JOHNSON, CHAIRMAN  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS, JR.



DIVISION OF LEGAL SERVICES  
NOREEN S. DAVIS  
DIRECTOR  
(850) 413-6199

**Public Service Commission**

November 2, 1998

RECEIVED-PJMSC  
98 NOV -3 AM 9:06  
RECORDS AND  
REPORTING

Ms. Kathy Shutts  
12906 Anderson Hill Road  
Clermont, Florida 34711

Ms. Sandy Baron  
12838 Anderson Hill Road  
Clermont, Florida 34711

RE: Docket No. 980483-WU - Investigation into possible overcollection of Allowance for Funds Prudently Invested (AFPI) in Lake County, by Lake Utility Services, Inc.

Dear Ms. Shutts and Ms. Baron:

During the course of this docket, it has been necessary to conduct all correspondence by letter, due to the fact that staff does not have a telephone number by which to contact you. Should it become necessary to contact you immediately for any reason, it would be of great assistance to have your phone number on file. Therefore, please provide me your phone number as soon as practicable and provide this information to Ben E. Girtman, attorney for Lake Utility Services, Inc.

Further, just as a reminder, pursuant to Order No. PSC-98-1038-PCO-WU, your testimony in this docket is due to be filed by 5:00 P.M. on November 13, 1998. If you have any questions, please contact me at (850) 413-6181.

Sincerely,

Tim Vaccaro  
Senior Attorney

TV/dr

cc: Division of Water and Wastewater (Willis, Rendell, Austin)  
Ben E. Girtman, Esquire  
Division of Records and Reporting

Commissioners:  
JULIA L. JOHNSON, CHAIRMAN  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS, JR.



DIVISION OF LEGAL SERVICES  
NOREEN S. DAVIS  
DIRECTOR  
(850) 413-6199

# Public Service Commission

September 16, 1998

Ms. Kathy Shutts  
12906 Anderson Hill Road  
Clermont, Florida 34711

Ms. Sandy Baron  
12838 Anderson Hill Road  
Clermont, Florida 34711

RE: Docket No. 980483-WU - Investigation into possible overcollection of Allowance for Funds Prudently Invested (AFPI) in Lake County, by Lake Utility Services, Inc.

Dear Ms. Shutts and Ms. Baron:

Enclosed, please find a copy of Order No. PSC-98-1038-PCO-WU, which is the Order Establishing Procedure in this docket. This Order sets forth the procedural dates for this case. By that Order, your testimony and exhibits, including fifteen copies, must be filed with the Director, Division of Records and Reporting by 5:00 p.m. on November 13, 1998. The Order sets forth the required format for the testimony.

Further, pursuant to that Order, please mail a copy of your testimony and exhibits to Lake Utility Services, Inc.'s attorney on the date you mail those materials to the Commission. This applies to any documents or correspondence which you file in this case. The utility's attorney is:

Ben E. Girtman, Esquire  
1020 East Lafayette Street, Suit 207  
Tallahassee, FL 32301-4552


- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- LIN \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC \_\_\_\_\_
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER - DATE  
~~10186 SEP 16 98~~  
PSC-RECORDS/REPORTING

Name and Address  
Page 2  
September 16, 1998

Pursuant to Florida's Uniform Rules of Procedure, a copy of your letter of protest was also required to be provided to Mr. Girtman. However, at his request, I have provided him a copy. If you have any questions, please contact me at (850)413-6181.

Sincerely,



Tim Vaccaro  
Senior Attorney

TV/dr

cc: Ben E. Girtman, Esquire  
Division of Records and Reporting (Bayó)  
Division of Water and Wastewater (Willis, Rendell, Austin)

FAPPI-LUS TV

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into possible overcollection of Allowance for Funds Prudently Invested (AFPI) in Lake County, by Lake Utility Services, Inc.

DOCKET NO. 980483-WU  
ORDER NO. PSC-98-1038-PCO-WU  
ISSUED: July 28, 1998

ORDER ESTABLISHING PROCEDURE

By Proposed Agency Action (PAA) Order No. PSC-98-0796-FOF-WU, issued June 8, 1998, this Commission ordered Lake Utility Services, Inc. (LUSI or utility) to record allowance for funds prudently invested charges as contributions in aid of construction. On June 26, 1998, two of LUSI's customers filed a petition on PAA, protesting that Order. On June 29, 1998, the utility filed its petition on PAA. Accordingly, this matter has been scheduled for an administrative hearing.

This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

The scope of this proceeding shall be based upon the issues raised by the parties and Commission staff (staff) up to and during the prehearing conference, unless modified by the Commission. The hearing will be conducted according to the provisions of Chapter 120, Florida Statutes, and all administrative rules applicable to this Commission.

Discovery

When discovery requests are served and the respondent intends to object to or ask for clarification of the discovery request, the objection or request for clarification shall be made within ten days of service of the discovery request. This procedure is intended to reduce delay in resolving discovery disputes.

The hearing in this docket is set for January 20, 1999. Unless authorized by the Prehearing Officer for good cause shown, all discovery shall be completed by January 13, 1999. All



interrogatories, requests for admissions, and requests for production of documents shall be numbered sequentially in order to facilitate their identification. The discovery requests will be numbered sequentially within a set and any subsequent discovery requests will continue the sequential numbering system. Pursuant to Rule 28-106.206, Florida Administrative Code, unless subsequently modified by the Prehearing Officer, the following shall apply: interrogatories, including all subparts, shall be limited to seventy-five (75), and requests for production of documents, including all subparts, shall be limited to fifty (50).

Any information provided pursuant to a discovery request for which proprietary confidential business information status is requested shall be treated by the Commission and the parties as confidential. The information shall be exempt from Section 119.07(1), Florida Statutes, pending a formal ruling on such request by the Commission, or upon the return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been made a part of the evidentiary record in the proceeding, it shall be returned expeditiously to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of the proceeding, it shall be returned to the person providing the information within the time period set forth in Section 367.156, Florida Statutes.

#### Diskette Filings

See Rule 25-22.028(1), Florida Administrative Code, for the requirements of filing on diskette for certain utilities.

#### Notice and Public Information

Pursuant to Rule 25-22.0405, Florida Administrative Code, the utility shall give written notice of the date, time, location and purpose of the hearing to each of its customers, no less than fourteen (14) days prior to the date of hearing. The utility shall utilize first class mail for notices sent to customers with out of town mailing addresses.

The notice shall include a statement that any customer comments regarding this proceeding should be addressed to the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida

32399-0850, and that such comments should identify the docket number assigned to this proceeding.

Prefiled Testimony and Exhibits

Each party shall prefile, in writing, all testimony that it intends to sponsor. Such testimony shall be typed on 8 1/2 inch x 11 inch transcrip.-quality paper, double spaced, with 25 numbered lines, on consecutively numbered pages, with left margins sufficient to allow for binding (1.25 inches).

Each exhibit intended to support a witness' prefiled testimony shall be attached to that witness' testimony when filed, identified by his or her initials, and consecutively numbered beginning with 1. All other known exhibits shall be marked for identification at the prehearing conference. After an opportunity for opposing parties to object to introduction of the exhibits and to cross-examine the witness sponsoring them, exhibits may be offered into evidence at the hearing. Exhibits accepted into evidence at the hearing shall be numbered sequentially. The pages of each exhibit shall also be numbered sequentially prior to filing with the Commission.

An original and 15 copies of all testimony and exhibits shall be prefiled with the Director, Division of Records and Reporting, by the close of business, which is 5:00 p.m., on the date due. A copy of all prefiled testimony and exhibits shall be served by mail or hand delivery to all other parties and staff no later than the date filed with the Commission. Failure of a party to timely prefile exhibits and testimony from any witness in accordance with the foregoing requirements may bar admission of such exhibits and testimony.

Prehearing Statement

All parties in this docket shall file a prehearing statement. Staff will also file a prehearing statement. The original and 15 copies of each prehearing statement shall be prefiled with the Director of the Division of Records and Reporting by the close of business, which is 5:00 p.m., on the date due. A copy of the prehearing statement shall be served on all other parties and staff no later than the date it is filed with the Commission. Failure of a party to timely file a prehearing statement shall be a waiver of any issue not raised by other parties or by the Commission. In addition, such failure shall preclude the party from presenting

testimony in support of its position. Such prehearing statements shall set forth the following information in the sequence listed below.

- (a) The name of all known witnesses that may be called by the party, and the subject matter of their testimony;
- (b) a description of all known exhibits that may be used by the party, whether they may be identified on a composite basis, and the witness sponsoring each;
- (c) a statement of basic position in the proceeding;
- (d) a statement of each question of fact the party considers at issue, the party's position on each such issue, and which of the party's witnesses will address the issue;
- (e) a statement of each question of law the party considers at issue and the party's position on each such issue;
- (f) a statement of each policy question the party considers at issue, the party's position on each such issue, and which of the party's witnesses will address the issue;
- (g) a statement of issues that have been stipulated to by the parties;
- (h) a statement of all pending motions or other matters the party seeks action upon; and
- (i) a statement as to any requirement set forth in this order that cannot be complied with, and the reasons therefore.

Prehearing Conference

Pursuant to Rule 28-106.209, Florida Administrative Code, a prehearing conference will be held in this docket at the Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida. Any party who fails to attend the prehearing conference, unless

excused by the Prehearing Officer, will have waived all issues and positions raised in that party's prehearing statement.

Prehearing Procedure: Waiver of Issues

Any issue not raised by a party prior to the issuance of the prehearing order shall be waived by that party, except for good cause shown. A party seeking to raise a new issue after the issuance of the prehearing order shall demonstrate that: it was unable to identify the issue because of the complexity of the matter; discovery or other prehearing procedures were not adequate to fully develop the issue; due diligence was exercised to obtain facts touching on the issue; information obtained subsequent to the issuance of the prehearing order was not previously available to enable the party to identify the issue; and introduction of the issue could not be to the prejudice or surprise of any party. Specific reference shall be made to the information received, and how it enabled the party to identify the issue.

Unless a matter is not at issue for that party, each party shall diligently endeavor in good faith to take a position on each issue prior to issuance of the prehearing order. When a party is unable to take a position on an issue, it shall bring that fact to the attention of the Prehearing Officer. If the Prehearing Officer finds that the party has acted diligently and in good faith to take a position, and further finds that the party's failure to take a position will not prejudice other parties or confuse the proceeding, the party may maintain "no position at this time" prior to hearing and thereafter identify its position in a post-hearing statement of issues. In the absence of such a finding by the Prehearing Officer, the party shall have waived the entire issue. When an issue and position have been properly identified, any party may adopt that issue and position in its post-hearing statement.

Controlling Dates

The following dates have been established to govern the key activities of this case.

- |   |                    |
|---|--------------------|
| 1) Utility's direct testimony and exhibits    | September 11, 1998 |
| 2) Intervenors' direct testimony and exhibits | November 13, 1998  |

- |  |                   |
|--|-------------------|
| 3) Staff's direct testimony and exhibits, if any | November 20, 1998 |
| 4) Rebuttal testimony and exhibits               | December 4, 1998  |
| 5) Prehearing Statements                         | December 9, 1998  |
| 6) Prehearing Conference                         | January 4, 1999   |
| 7) Hearing                                       | January 20, 1999  |
| 8) Briefs  | February 17, 1999 |

Use of Confidential Information At Hearing

It is the policy of this Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 367.156, Florida Statutes, to protect proprietary confidential business information from disclosure outside the proceeding. Any party wishing to use any proprietary confidential business information, as that term is defined in Section 367.156, Florida Statutes, shall notify the Prehearing Officer and all parties of record by the time of the Prehearing Conference, or if not known at that time, no later than seven (7) days prior to the beginning of the hearing. The notice shall include a procedure to assure that the confidential nature of the information is preserved as required by statute. Failure of any party to comply with the seven-day requirement described above shall be grounds to deny the party the opportunity to present evidence which is proprietary confidential business information.

When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the Court Reporter, in envelopes clearly marked with the nature of the contents. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material. Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise the confidential information. Therefore, confidential information should be presented by written exhibit when reasonably possible to do so. At the conclusion of that portion of the hearing that involves confidential information,

ORDER NO. PSC-98-1038-PCO-WU  
DOCKET NO. 980483-WU  
PAGE 7

all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the Court Reporter shall be retained in the Division of Records and Reporting's confidential files.

Post-Hearing Procedure

Each party shall file a post-hearing statement of issues and positions. A summary of each position of no more than fifty (50) words, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of the prehearing order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than fifty (50) words, it must be reduced to no more than fifty (50) words. If a party fails to file a post-hearing statement in conformance with the rule, that party shall have waived all issues and may be dismissed from the proceeding.

Pursuant to Rule 28-106.215, Florida Administrative Code, a party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 40 pages, and shall be filed at the same time.

Based upon the foregoing, it is

ORDERED by Commissioner E. Leon Jacobs, as Prehearing Officer, that the provisions of this Order shall govern this proceeding unless modified by the Commission.

By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 28th day of July, 1998.

/s/ E. Leon Jacobs, Jr.  
E. LEON JACOBS, JR.  
Commissioner and Prehearing Officer

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-850-413-6770.

( S E A L )

TV



NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

STATE OF FLORIDA



RECEIVED

MAY 26 1998


FPSC - Records/Reporting

**Public Service Commission**

May 21, 1998

**MEMORANDUM**

TO: Ms. Blanca Bayo, Director  
Records and Reporting

FROM: Curtis Williams   
Executive Assistant to Chairman Johnson

SUBJECT: Intercepted Communications received from Ben E. Girtman, Esq.,  
regarding Docket No. 980483-WU, Lake Utility Services, Inc.

This office has received the attached correspondence from Mr. Girtman. The correspondence has not been viewed or considered in any way by Chairman Johnson. Under the terms of the advisory opinion from the Commission on Ethics (issued July 24, 1991, as CEO 91-31-July 19, 1991), this letter does not constitute an ex parte communication by virtue of the fact that it was not shown to the Chairman. Because it is not deemed to be an ex parte communication, it does not require dissemination to parties pursuant to the provisions of Section 350.042, F.S. However, in such cases Chairman Johnson has requested that such correspondence be placed on the record in the correspondence side of the docket file.

CJW:ssf

Attachment:

---



BEN E. GIRTMAN

*Attorney at Law*

1020 East Lafayette Street  
Suite 207  
Tallahassee, Florida 32301-4552

Telephone: (904) 656-3232  
(904) 656-3233  
Facsimile: (904) 656-3233

May 18, 1998

Tim Vaccaro, Esq.  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Docket No. 980483-WU, Lake Utility Services, Inc.  
Allowance for Funds Prudently Invested (AFPI)  
May 19 Agenda Conference, Item #20A


Dear Mr. Vaccaro:

At the May 12 Agenda Conference there was discussion about who the recipients of AFPI charges might be, if a refund were required.

Attached is a list provided by Mr. Mark Kramer of Utilities, Inc. showing that, as of May 8, 1998, AFPI had been collected for 394 ERCs, which is 238 in addition to the 106 ERCs mentioned in the Crescent Bay tariff. Of that 288 collections, 228 (79%) were from developers and 60 (21%) were from individuals. Just 3 of the 33 developers account for 150 (52%) of the 288 collections.

In addition to the reasons stated at the Agenda Conference why a refund is not appropriate, a refund would cause significant harm to the utility without creating any significant benefit to utility customers. The developers would get a free ride. They would not have to pay the carrying costs of the plant that made the developments possible, and the revenue to the utility would be lost.

Sincerely yours,



Ben E. Girtman

cc: Commissioner Julia L. Johnson  
Commissioner Joe A. Garcia  
Commissioner J. Terry Deason  
Commissioner Susan F. Clark  
Commissioner E. Leon Jacobs  
Mr. Charles Hill  
Ms. Shannon J. Austin  
Mr. Mark Kramer  
Mr. Frank Seidman

**Lake Utility Services, Inc.**  
 AFPI Collections over 106 ERCs  
 Calculated as of 5/8/98

	<u>No. of Connections</u>	<u>Percentage of Total</u>
Developers:		
Banyan Construction	96	
Baybrook Homes	27	
Vallery Custom Homes	27	
Domigan Homes	12	
XL Homes	7	
Great American Homes	5	
S Lake Prestige Homes	5	
AM Built Homes	4	
BG Harmon	4	
Dura Craft Homes	4	
Bill Thomas Const	3	
Akers Custom Homes	2	
B Keller Homes	2	
Brent Keller Homes	2	
Godfrey Custom Homes	2	
Herb Smith Const	2	
Highland Real Estate	2	
K Golby Construction	2	
Kelly Homes	2	
KMR Development	2	
Martin Built Homes	2	
Richard Pinder	2	
Russel Lawson	2	
Edgewater Land & Dev	1	
Jaymark Builders	1	
Perkins Builders	1	
Kerkins Construction	1	
Lawson Estate Homes	1	
PEI Homes	1	
Ruona Construction	1	
Shuman Constr Co	1	
Strosnider Constr	1	
Wilmak Construction	1	
	<hr/>	
Total Developers	228	79%
	<hr/>	
Total Individuals	60	21%
	<hr/>	
AFPI Collections over 106 ERCs	288	100%

STATE OF FLORIDA



**Public Service Commission**

**RECEIVED**

MAY 26 1998

FPSC - Records/Reporting

May 20, 1998

**MEMORANDUM**

TO: Ms. Blanca Bayo, Director  
Records and Reporting

FROM: Curtis Williams *CW*  
Executive Assistant to Chairman Johnson

SUBJECT: Intercepted Communication received from Mr. Ben E. Girtman, Attorney

This office has received the attached correspondence from Mr. Girtman, addressed to Charles Hill, Director of the Division of Water and Wastewater. The correspondence has not been viewed or considered in any way by Chairman Johnson. Under the terms of the advisory opinion from the Commission on Ethics (issued July 24, 1991, as CEO 91-31-July 19, 1991), this letter does not constitute an ex parte communication by virtue of the fact that it was not shown to the Chairman. Because it is not deemed to be an ex parte communication, it does not require dissemination to parties pursuant to the provisions of Section 350.042, F.S. However, in such cases Chairman Johnson has requested that such correspondence be placed on the record in the correspondence side of the docket file.

CJW:ssf

Attachment:

---

BEN E. GIRTMAN

*Attorney at Law*

1020 East Lafayette Street  
Suite 207  
Tallahassee, Florida 32301-4552

Telephone: (904) 656-3232  
(904) 656-3233  
Facsimile: (904) 656-3233

May 4, 1998

Mr. Charles C. Hill, Director  
Division of Water and Wastewater  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Docket No. 980483-WU, Lake Utility Services, Inc.  
Allowance for Funds Prudently Invested (AFPI)  
May 12 Agenda Conference, Item 24

Dear Mr. Hill:

The Staff Recommendation for Item 24 of the Agenda Conference scheduled for May 12 has been received and reviewed by the utility.

After the utility's lengthy correspondence on two occasions responding to Staff inquiries, Staff now agrees that the utility properly collected AFPI from the additional service area. It also acknowledges in the Staff Recommendation that the revised tariffs do reference AFPI for Crescent Bay and the additional territory, but that it "was an oversight during the staff approving process" for the AFPI to be made applicable to the additional territory. The only remaining Staff concern appears to be whether the utility properly or improperly collected AFPI for more than 106 ERCs.

It is still the utility's opinion that Staff is incorrectly interpreting the tariff and the Commission's practice. When a new territory is added to an existing certificated service area, it has been Commission practice to make all of the existing rates and charges applicable to the new area. This has been the practice even though it is recognized that the addition of the new territory may well have an impact on the cost of service and the resulting rates and charges. The reasons for taking this approach have been to allow a utility to expeditiously serve the new area and to postpone any specific and factual analysis of rates and charges (and the cost associated with such analysis) until the next full rate case. To our knowledge, this is a long-standing practice, that, imperfect as it may be, has worked well, and has saved substantial dollars in rate case expense which otherwise would be passed on to the customers.

This Commission practice recognizes that the monthly rates and the AFPI charges go hand in hand. The monthly rates are designed to cover the costs associated with used and useful facilities, and

Mr. Charles C. Hill  
May 4, 1998  
Page 2

the AFPI charges are designed to recover costs associated with non-used facilities. They are two sides of the same coin. However, the Staff's recommendation is for the Commission to address the two sides differently. It thwarts the Commission's purpose and practice aimed at postponing the expense of economic analysis and development of revised rates and charges until the next rate case. And in this case, Staff is recommending that the Commission do so retroactively.

Since the time the additional territory was approved and the tariff charges were approved and made applicable to that new territory, the utility has relied on the revenue from monthly charges to customers and the AFPI revenue from new hookups. If the utility is required to refund a portion of the AFPI charges, it does not have the option of retroactively applying for a change in rates to existing customers to make up for that shortfall. The utility does not have any objection to modifying its collection of AFPI on a going forward basis.

In fact, the utility has just completed a rate case for the entire service area and is awaiting a PAA order. Revised tariff sheets have been submitted to the Commission for approval of new AFPI charges. [See Docket No. 960444-WU, PAA Order No. PSC-97-0531-FOF-WU, and correspondence dated April 8, 1998, with proposed tariff sheets from Mr. Richard D. Melson to Mr. Charles H. Hill.]

After extensive analysis, the utility strongly believes that its interpretation of the tariffs is correct. In addition to the tariffs attached to the Staff Recommendation, correspondence and exhibits reflect the extensive research and the basis for the utility's position in this matter. It is the utility's hope that a full hearing can be avoided by focusing on this matter now.

Sincerely yours,



Ben E. Girtman

cc: Commissioner Julia L. Johnson  
Commissioner Joe A. Garcia  
Commissioner J. Terry Deason  
Commissioner Susan F. Clark  
Commissioner E. Leon Jacobs  
Ms. Shannon J. Austin  
Mr. Mark Kramer  
Mr. Frank Seidman

State of Florida



# Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

**DATE:** May 18, 1998

**TO:** Blanca Bayó, Director of Records and Reporting

**FROM:** Wilbur Stiles, Assistant to Commissioner Clark

**RE:** Letter Received in Docket No. 980483-WU

**RECEIVED**

MAY 20 1998

FPSC - Records/Reporting

The attached letter from Mr. Ben Girtman to Mr. Vacarro regarding the above docket was received by our office on May 18, 1998. Please place a copy of this letter on the correspondence side of the docket file.

BEN E. GIRTMAN

*Attorney at Law*

1020 East Lafayette Street  
Suite 207  
Tallahassee, Florida 32301-4552

Telephone: (904) 656-3232  
(904) 656-3233  
Facsimile: (904) 656-3233

May 18, 1998

Tim Vaccaro, Esq.  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Docket No. 980483-WU, Lake Utility Services, Inc.  
Allowance for Funds Prudently Invested (AFPI)  
May 19 Agenda Conference, Item #20A

Dear Mr. Vaccaro:

At the May 12 Agenda Conference there was discussion about who the recipients of AFPI charges might be, if a refund were required.

Attached is a list provided by Mr. Mark Kramer of Utilities, Inc. showing that, as of May 8, 1998, AFPI had been collected for 394 ERCs, which is 238 in addition to the 106 ERCs mentioned in the Crescent Bay tariff. Of that 288 collections, 228 (79%) were from developers and 60 (21%) were from individuals. Just 3 of the 33 developers account for 150 (52%) of the 288 collections.

In addition to the reasons stated at the Agenda Conference why a refund is not appropriate, a refund would cause significant harm to the utility without creating any significant benefit to utility customers. The developers would get a free ride. They would not have to pay the carrying costs of the plant that made the developments possible, and the revenue to the utility would be lost.

Sincerely yours,



Ben E. Girtman

cc: Commissioner Julia L. Johnson  
Commissioner Joe A. Garcia  
Commissioner J. Terry Deason  
Commissioner Susan F. Clark  
Commissioner E. Leon Jacobs  
Mr. Charles Hill  
Ms. Shannon J. Austin  
Mr. Mark Kramer  
Mr. Frank Seidman

**RECEIVED**

MAY 10 1998

Florida Public Service Comm.  
Commissioner Clark

**Lake Utility Services, Inc.**  
 AFPI Collections over 106 ERCs  
 Calculated as of 5/8/98

	<u>No. of Connections</u>	<u>Percentage of Total</u>
Developers:		
Banyan Construction	96	
Baybrook Homes	27	
Vallery Custom Homes	27	
Domigan Homes	12	
XL Homes	7	
Great American Homes	5	
S Lake Prestige Homes	5	
AM Built Homes	4	
BG Harmon	4	
Dura Craft Homes	4	
Bill Thomas Const	3	
Akers Custom Homes	2	
B Keller Homes	2	
Brent Keller Homes	2	
Godfrey Custom Homes	2	
Herb Smith Const	2	
Highland Real Estate	2	
K Golby Construction	2	
Kelly Homes	2	
KMR Development	2	
Martin Built Homes	2	
Richard Pinder	2	
Russel Lawson	2	
Edgewater Land & Dev	1	
Jaymark Builders	1	
Perkins Builders	1	
Kerkins Construction	1	
Lawson Estate Homes	1	
PEI Homes	1	
Ruona Construction	1	
Shuman Constr Co	1	
Strosnider Constr	1	
Wilmak Construction	1	
	<hr/>	
Total Developers	228	79%
	<hr/>	
Total Individuals	60	21%
	<hr/>	
AFPI Collections over 106 ERCs	288	100%





# Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: May 5, 1998

TO: Blanca Bayo, Director, Division of Records and Reporting

FROM: Melinda Butler, Assistant to Commissioner Jacobs *MB*

RE: Intercepted Communications From an Interested Party Received in  
Docket No: 980483-WU, Lake Utility Services, Inc.

RECEIVED

MAY - 6 1998

FPSC - Records/Reporting

This office has received the attached correspondence Ben E. Girtman. The correspondence has not been viewed or considered in any way by Commissioner Jacobs. Under the terms of the advisory opinion from the Commission on Ethics (issued July 24, 1991 as COE 91-33-JULY 19, 1991), the following letter does not constitute an ex parte communication by virtue of the fact that it was not shown to the Commissioner. Because it is not deemed to be an ex parte communication, it does not require dissemination to parties pursuant to the provisions of Section 350.042, Florida Statutes. However; in such cases Commissioner Jacobs has requested that a copy of the correspondence and this memo, as a matter of routine, be placed in the correspondence side of the file in this docket.

Mr. Charles C. Hill  
May 4, 1998  
Page 2

the AFPI charges are designed to recover costs associated with non-used facilities. They are two sides of the same coin. However, the Staff's recommendation is for the Commission to address the two sides differently. It thwarts the Commission's purpose and practice aimed at postponing the expense of economic analysis and development of revised rates and charges until the next rate case. And in this case, Staff is recommending that the Commission do so retroactively.

Since the time the additional territory was approved and the tariff charges were approved and made applicable to that new territory, the utility has relied on the revenue from monthly charges to customers and the AFPI revenue from new hookups. If the utility is required to refund a portion of the AFPI charges, it does not have the option of retroactively applying for a change in rates to existing customers to make up for that shortfall. The utility does not have any objection to modifying its collection of AFPI on a going forward basis.

In fact, the utility has just completed a rate case for the entire service area and is awaiting a PAA order. Revised tariff sheets have been submitted to the Commission for approval of new AFPI charges. [See Docket No. 960444-WU, PAA Order No. PSC-97-0531-FOF-WU, and correspondence dated April 8, 1998, with proposed tariff sheets from Mr. Richard D. Melson to Mr. Charles H. Hill.]

After extensive analysis, the utility strongly believes that its interpretation of the tariffs is correct. In addition to the tariffs attached to the Staff Recommendation, correspondence and exhibits reflect the extensive research and the basis for the utility's position in this matter. It is the utility's hope that a full hearing can be avoided by focusing on this matter now.

Sincerely yours,



Ben E. Girtman

cc: Commissioner Julia L. Johnson  
Commissioner Joe A. Garcia  
Commissioner J. Terry Deason  
Commissioner Susan F. Clark  
Commissioner E. Leon Jacobs  
Ms. Shannon J. Austin  
Mr. Mark Kramer  
Mr. Frank Seidman

BEN E. GIRTMAN

*Attorney at Law*

1020 East Lafayette Street  
Suite 207  
Tallahassee, Florida 32301-4552

Telephone: (904) 656-3232  
(904) 656-3233  
Facsimile: (904) 656-3233

May 4, 1998

RECEIVED

MAY 04 1998

Mr. Charles C. Hill, Director  
Division of Water and Wastewater  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

FLORIDA PUBLIC SERVICE COMMISSION  
Commissioner Jereb

Re: Docket No. 980483-WU, Lake Utility Services, Inc.  
Allowance for Funds Prudently Invested (AFPI)  
May 12 Agenda Conference, Item 24

Dear Mr. Hill:

The Staff Recommendation for Item 24 of the Agenda Conference scheduled for May 12 has been received and reviewed by the utility.

After the utility's lengthy correspondence on two occasions responding to Staff inquiries, Staff now agrees that the utility properly collected AFPI from the additional service area. It also acknowledges in the Staff Recommendation that the revised tariffs do reference AFPI for Crescent Bay and the additional territory, but that it "was an oversight during the staff approving process" for the AFPI to be made applicable to the additional territory. The only remaining Staff concern appears to be whether the utility properly or improperly collected AFPI for more than 106 ERCs.

It is still the utility's opinion that Staff is incorrectly interpreting the tariff and the Commission's practice. When a new territory is added to an existing certificated service area, it has been Commission practice to make all of the existing rates and charges applicable to the new area. This has been the practice even though it is recognized that the addition of the new territory may well have an impact on the cost of service and the resulting rates and charges. The reasons for taking this approach have been to allow a utility to expeditiously serve the new area and to postpone any specific and factual analysis of rates and charges (and the cost associated with such analysis) until the next full rate case. To our knowledge, this is a long-standing practice, that, imperfect as it may be, has worked well, and has saved substantial dollars in rate case expense which otherwise would be passed on to the customers.

This Commission practice recognizes that the monthly rates and the AFPI charges go hand in hand. The monthly rates are designed to cover the costs associated with used and useful facilities, and



RECEIVED

APR 22 1998

FPS Records/Reporting

April 21, 1998

Ms. Blanca Bayo  
Florida Public Service Commission  
Director of Records & Reporting  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Dear Ms. Bayo:

By this letter, I request that Matthew Feil, Esq. be put on the mailing list for Docket No.980483-WU; Lake Utility Services, Inc.

Mr. Feil's address is as follows:

Matthew Feil, Esq.  
Florida Water Services Corporation  
1000 Color Place  
Apopka, FL 32703

If you have any questions, please contact me at (407) 880-0058, ext. 456. Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donna L. Henry".

Donna L. Henry  
Executive Legal Assistant