

VOTE SHEET

DATE: February 20, 1996

RE: DOCKET NO. 921098-WS - Application for certificates to provide water and wastewater service in Alachua County under grandfather rights by Turkey Creek, Inc. & Family Diner, Inc. d/b/a Turkey Creek Utilities.

Issue 1: Recommendation that there is no dispute of material fact such that the Commission should schedule a formal hearing pursuant to Section 120.57(1), F.S.

APPROVED

Issue 2: Recommendation that the Commission deny the respondents' request to defer any show cause proceeding pending the outcome of the respondents' suit in circuit court.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the majority column]

REMARKS/DISSENTING COMMENTS:

[Handwritten scribble/initials]

Issue 3: Recommendation that the Commission should impose a fine of \$5,000 for the failure of Turkey Creek, Inc. and Family Diner, Inc. d/b/a Turkey Creek Utilities, to make the refunds required by Order No. PSC-93-1769-FOF-WS. Reasonable efforts should be made to collect the fine. Reasonable efforts should be defined as two certified letters demanding payment. If reasonable collection efforts fail, the fine should be deemed uncollectible and the matter should be referred to the Office of the Comptroller for further action, with any collection to be deposited in the State General Revenue Fund pursuant to Section 367.161, F.S.

MODIFIED

Approved with the modification that Turkey Creek is to escrow \$42,000 within three weeks with conditions discussed by staff.

Issue 4: Recommendation that this docket remain open for continued processing of this case.

APPROVED