

VOTE SHEET

DATE: October 29, 1996

RE: DOCKET NO. 950387-SU - Application for a rate increase for North Ft. Myers Division in Lee County by Florida Cities Water Company - Lee County Division.

Issue 1: Recommendation that the Commission grant Florida Cities Water Company's (FCWC) Motion for Stay of Order No. PSC-96-1133-FOF-WS. Because the order involves both a refund of monies and a decrease in rates charged to customers, the Commission should grant the motion for stay if FCWC posts sufficient security in accordance with Rule 25-22.061(1), F.A.C.

**APPROVED**

Issue 2: Recommendation that the utility hold 19.88% of annual revenues collected pursuant to Order No. PSC-96-0038-FOF-SU issued January 10, 1996 subject to refund.

**APPROVED**

COMMISSIONERS ASSIGNED: JN KS GR

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in the majority column]*

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REMARKS/DISSENTING COMMENTS:

PSC/RAR33 (5/90)

DOCUMENT NUMBER-DATE

11612 OCT 31 96

FPSC-RECORDS/REPORTING

Issue 3: Recommendation that the utility should be required to post a bond in the amount of \$1,613,661 as security to guarantee any potential refunds of revenues collected pursuant to Order No. PSC-96-0038-FOF-SU and any additional revenues resulting from the extended time period due to the utility's Motion for Stay of Order No. PSC-96-1133-FOF-WS. Pursuant to Rule 25-30.360(6), F.A.C., the utility should be required to provide a report by the 20th of each month indicating the monthly and total revenue collected subject to refund. Further, the bond should state that it will remain in effect during the pendency of the appeal and will be released or terminated upon subsequent order of the Commission addressing the potential refund.

**MODIFIED**

*Approved with the modification that the company will file a corporate undertaking in the amount of \$940,155 as security to guarantee refunds.*