

VOTE SHEET

MAY 12, 1998

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: Should parties be allowed to participate?

Recommendation: Yes. Participation should be limited to five minutes for each party.

APPROVED

Issue 2: Should the Commission grant Florida Cities Water Company's Amended Motion for Stay Pending Judicial Review of Order No. PSC-98-0509-PCO-SU?

Recommendation: Yes. The Commission should grant Florida Cities' amended motion for stay filed on April 14, 1998. The utility's first motion for stay, filed on April 10, 1998, is moot.

APPROVED

COMMISSIONERS ASSIGNED: JN DS GR

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the majority column]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

05353 MAY 13 88

FPSC-RECORDS/REPORTING

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Issue 3: What is the appropriate security to guarantee the revenue subject to refund collected pursuant to Order No. PSC-96-0038-FOF-SU, issued January 10, 1996, given the utility's subsequent Motions for Stay filed on April 10, 1998 and April 14, 1998?

Recommendation: The utility should be required to file a corporate undertaking in the amount of \$1,487,207. Pursuant to Rule 25-30.360(6), Florida Administrative Code, 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 corporate undertaking should state that it will remain in effect during the pendency of any appeal, as stated in the utility's motions, and will be released or terminated upon subsequent order of the Commission addressing the potential refund.

~~APPROVED~~

Modified. Utility will post a corporate undertaking to cover a 6-month period and, if the appeal goes beyond that time, the utility will extend the corporate undertaking (without further action by the Commission) every 6 months, for the duration of the appeal.

RAR note: Vote sheet corrected 5/26/98 based on advice of LEG/Jaeger and after review of the taped discussion. kf