

VOTE SHEET

JUNE 30, 1998

RE: DOCKET NO. 971504-WU - Investigation of water rates of A.P. Utilities, Inc. in Marion County for possible overearnings. DOCKET NO. 980729-WU - Initiation of show cause proceedings against A.P. Utilities, Inc. for violation of Rule 25-30.110, F.A.C., Annual Reports, and Rule 25-30.120, F.A.C., Regulatory Assessment Fees.

Issue 1: Should the Commission order APU to show cause, in writing within 20 days, why it should not remit a penalty of \$3,037.50 for failing to correct deficiencies in its 1996 annual report pursuant to Rule 25-30.110, Florida Administrative Code?

Recommendation: Yes. APU should be ordered to show cause, in writing within 20 days, why it should not be fined \$3,037.50 (225 days x \$13.50 per day) for violation of Rule 25-30.110, Florida Administrative Code, in that it did not correct deficiencies in its 1996 annual report. The order to show cause should incorporate the conditions stated below in the analysis portion of staff's memorandum dated June 18, 1998.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Susan Clark, Henry Deas, and another signature.

REMARKS/DISSENTING COMMENTS: Commissioner Garcia participated by video telephone. He concurred /dissented in the majority vote and will sign the vote sheet upon his return to Tallahassee.

teleconference

DOCUMENT NUMBER-DATE 06978 JUL -2 1998 PSC-REGULATORY REPORTING

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Issue 2: Should APU be ordered to show cause, in writing, within 20 days, why it should not remit a statutory penalty in the amount of \$2,198.49 and interest in the amount of \$439.70 for violation of Sections 350.113 and 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code, for failure to remit regulatory assessment fees for 1997?

Recommendation: Yes. Staff recommends that APU be ordered to show cause, in writing, within 20 days, why it should not remit a statutory penalty in the amount of \$2,198.49 and interest in the amount of \$439.70 for violation of Sections 350.113 and 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code, for failure to remit regulatory assessment fees for 1997. Staff also recommends that APU be ordered to immediately remit \$10,992.47 in regulatory assessment fees. The show cause order should incorporate the conditions stated in the analysis portion of staff's memorandum.

**APPROVED**

Issue 3: Should the Commission order APU to show cause, in writing within 20 days, why it should not be fined \$5,000 per day for violation of Order No. PSC-98-0044-PCO-WU, by failing to provide security for potential overearnings and payment of 1998 regulatory assessment fees?

Recommendation: Yes. APU should be ordered to show cause, in writing within 20 days, why it should not be fined \$5,000 per day for violation of Order No. PSC-98-0044-PCO-WU. The order to show cause should incorporate the conditions stated in the analysis portion of staff's memorandum.

**APPROVED**

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Issue 4: Are APU's books and records in compliance with Rule 25-30.115, Florida Administrative Code?

Recommendation: No. APU's books and records are not in compliance with Rule 25-30.115, Florida Administrative Code. APU should be given six months from the date of the Commission's order to bring its books and records in compliance with the NARUC USOA. At that time, staff will perform a compliance audit. If substantial compliance is not evident at that time, a show cause proceeding should be initiated.

**APPROVED**

Issue 5: Should these dockets be closed?

Recommendation: If APU responds to the show cause order by remitting the penalty for failure to correct deficiencies in its 1996 annual report, and by remitting 1997 regulatory assessment fees and remitting all associated penalties and interest, Docket No. 980729-WU should be closed administratively. If APU fails to timely respond to the portion of the show cause order relating to that docket, the penalties and regulatory assessment fees set forth in the show cause order shall be liens on the real and personal property of the utility, enforceable by the Commission as statutory liens under Chapter 85, and Section 55.10, Florida Statutes, respectively, and Docket No. 980729-WU should be closed administratively. If APU responds to the show cause order and requests a hearing, Docket No. 980729-WU should remain open for final disposition. Regardless of APU's response regarding the show cause order relating to Docket No. 971504-WU, that docket should remain open for final disposition of the Commission's overearnings investigation and full payment of the utility's 1998 regulatory assessment fees.

**APPROVED**