

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 3, 1998

RE: DOCKET NO. 971192-WS - Application for grandfather certificates to operate a water and wastewater utility in Polk County by Bieber Enterprises Inc. d/b/a Breeze Hill Utilities.

Issue 1: Should Lake Walk In The Village Associates, LTD. be ordered to show cause, in writing within 21 days, why it should not be fined for violation of Section 367.071, Florida Statutes?

Recommendation: No. A show cause proceeding should not be initiated.


APPROVED

COMMISSIONERS ASSIGNED: Full Commission


COMMISSIONERS' SIGNATURES


MAJORITY

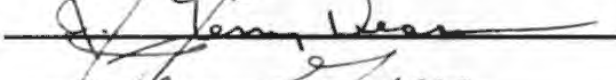
DISSENTING




 Susan Clark









REMARKS/DISSENTING COMMENTS:

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Issue 2: Should the Commission accept Breeze Hill Utilities Agreement for Deed as sufficient to meet the requirements of Rule 25-30.037(2)(q), Florida Administrative Code?

Recommendation: Yes.

APPROVED

Issue 3: Should the application of Breeze Hill Utilities for grandfather certificates in Polk County be granted?

Recommendation: Yes. Breeze Hill should be granted Water Certificate No. 598-W and Wastewater Certificate No. 513-S. In addition, Breeze Hill should be ordered to provide notice of the action taken at this agenda conference within seven days of the issuance date of the proposed agency action order issued in this docket to the Office of the Public Counsel, the Polk County Commission and the utility customers. Breeze Hill should also be ordered to notice once in a newspaper of general circulation in the service area and provide a copy to staff. In addition, staff recommends that Breeze Hill Utilities be required to provide a copy of the notice to its customers within seven days of issuance of the order. Further, proof of this notice should be provided to staff within 20 days.

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Issue 4: Should rate base be established and any acquisition adjustment be determined at this time?

Recommendation: No. The rate base should not be established in this docket. Rate base and acquisition balances should be determined in the utility's next rate proceeding.

APPROVED

Issue 5: What rates and charges should be approved for this utility?

Recommendation: The rates and charges detailed in the analysis portion of staff's memorandum should be approved. The effective date of the rates and charges should be the stamped approval date on the tariff.

APPROVED

Issue 6: Should this docket be closed?

Recommendation: Yes. Upon expiration of the protest period, if no timely protests are filed, and upon submission of the proof of notification, the docket should be closed.

APPROVED