

VOTE SHEET

FEBRUARY 5, 2002

RE: Docket No. 990374-WS - Application for certificates to operate a water and wastewater utility in Highlands County by The Woodlands of Lake Placid, L.P., and for deletion of portion of wastewater territory in Certificate No. 361-S held by Highlands Utilities Corporation.

ISSUE 1: Should the Commission order the utility to show cause, in writing within 21 days, why it should not be fined for operating a water and wastewater utility without a certificate of authorization in apparent violation of Chapter 367.031, Florida Statutes?

RECOMMENDATION: No. Show cause proceedings should not be initiated.

**APPROVED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Rudy Bradley*  
*Michael G. ...*  
*Robert ...*  
*J. Tom ...*  
*Michael A. ...*

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REMARKS/DISSENTING COMMENTS:

*replacement*  
DOCUMENT NUMBER-DATE

01370 FEB-58

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ISSUE 2: Should Woodlands of Lake Placid, L.P., be ordered to show cause, in writing, within 21 days, why it should not be fined for collecting charges not approved by the Commission, in apparent violation of Sections 367.081(1), and 367.091(3), Florida Statutes?

RECOMMENDATION: No. Show cause proceedings should not be initiated at this time. The utility should be put on notice that pursuant to Sections 367.081(1) and 367.091(3), Florida Statutes, it may only charge rates and charges approved by the Commission.

**APPROVED**

ISSUE 3: Should the utility be required to make refunds to customers for charging unauthorized rates and charges?

RECOMMENDATION: No. The utility should not be required to make refunds.

**MODIFIED**

*Approved with the modification that the Commission retains jurisdiction over the \$ 12,095 plus interest identified by staff pending the outcome of the SHRC. Additionally, rates collected on a going-forward basis are subject to refund.*

ISSUE 4: Should Woodlands be ordered to show cause, in writing within 21 days, why it should not be fined for failure to file its 1995, 1996, 1997, and 1998 annual reports in apparent violation of Rule 25-30.110, Florida Administrative Code?

RECOMMENDATION: No. Show cause proceedings should not be initiated at this time. Staff further recommends that the penalties set forth in Rule 25-30.110(7), Florida Administrative Code, should not be assessed, as the information contained in the delinquent reports is no longer needed for the ongoing regulation of the utility. Woodlands should not be required to file 1995, 1996, 1997, or 1998 annual reports.

**APPROVED**

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ISSUE 5: Should the application of The Woodlands of Lake Placid, L.P., for water and wastewater certificates be granted and the agreement between the Woodlands of Lake Placid, L.P., and Highlands Utilities Corporation be approved?

RECOMMENDATION: Yes. The Woodlands of Lake Placid, L.P., should be granted Water Certificate No. 620-W to serve the territory described in Attachment B of staff's January 24, 2002 memorandum and Wastewater Certificate No. 533-S to serve the territory described in Attachment C. The Commission should approve the agreement (Attachment A) and the territory described in Attachment D should be deleted from the Highlands Wastewater Certificate No. 361-S and added to Woodlands Certificate No. 533-S.

**APPROVED**

ISSUE 6: What rates and charges should be approved for Woodlands of Lake Placid?

RECOMMENDATION: The utility's rates and charges for water and wastewater service detailed in the analysis portion of staff's memorandum should be approved. The effective date of the utility's rates and charges should be the stamped approval date of the tariff sheets, pursuant to Rule 25-30.475, Florida Administrative Code. A return on equity of 11.34% should be approved.

**MODIFIED**

*Approved consistent with the modification in issue 3 that rates collected on a going-forward basis are subject to refund. The \$35 rate is temporary pending outcome of the staff-assisted rate case.*

CCA note: Vote sheet modified 2/26/02 following discussion with staff and review of audiotape.

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ISSUE 7: What are the appropriate service availability charges for Woodlands?

RECOMMENDATION: The utility's proposed service availability charges set forth within the staff analysis are appropriate and should be approved effective for connections made on or after the stamped approval date on the tariff sheets.

**APPROVED**

ISSUE 8: Should this docket be closed?

RECOMMENDATION: Yes. If no timely protest is received to the proposed agency action issues, a Consummating Order should be issued upon the expiration of the protest period. Should no timely protests be received, the docket should be closed.

**APPROVED**

*The decision in this issue is consistent with modifications in Issues 3 and 6.*

*(See CCA note at Issue 6.)*