

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificates to provide water and wastewater service in Marion County by Century - Fairfield Village, Ltd. | DOCKET NO. 070548-WS
ORDER NO. PSC-08-0435-PAA-WS
ISSUED: July 7, 2008

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman
LISA POLAK EDGAR
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

PROPOSED AGENCY ACTION
APPROVING SETTLEMENT AGREEMENT, AND SETTING CHARGES.
ORDER
SETTING TEMPORARY RATES AND CHARGES IN THE EVENT OF A PROTEST, AND
CANCELLING WASTEWATER CERTIFICATE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the actions approving the settlement agreement, setting rates and charges, permitting the utility to retain previously collected revenues, and determining not to require the utility to show cause, all as discussed herein, are preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code (F.A.C.).

Background

On July 31, 2007, Century-Fairfield Village, Ltd. (Century-Fairfield or utility) filed an application for original water and wastewater certificates in Marion County. By Order No. PSC-08-0067-FOF-WS, issued January 29, 2008, in this docket, we granted Century-Fairfield Certificate Nos. 636-W and 549-S. Century-Fairfield is a limited partnership in Florida which owns and operates an existing 293 unit mobile home rental park. The park is completely developed. As part of the rent for the mobile home lots, Century-Fairfield has been providing water and wastewater services to the tenants since 1988. Accordingly, Century-Fairfield has been exempt from our regulation.

Century-Fairfield is located in the Southwest Florida Water Management District (SWFWMD). Because of drought conditions, SWFWMD enacted district-wide water use restrictions. Because Century-Fairfield was making water withdrawals in excess of its water use permit, SWFWMD found Century-Fairfield in violation of its water use permit, fined the utility

DOCUMENT NUMBER-DATE

05810 JUL-7 08

FPSC-COMMISSION CLERK

\$8,861.02, and directed the utility to take all necessary steps to reduce usage. As a result, the utility implemented a plan to curb its excessive water usage by charging for water and wastewater service.

Approximately 150 customers attended a customer meeting on April 14, 2008, at the Century-Fairfield Village Clubhouse. In addition, a separate meeting was held with the officers of the homeowners' association. The customers were generally satisfied with the utility's quality of service, although a few customers commented on the water pressure. The utility recently constructed a new, second well and is working to get the well permitted for use. During the meetings, our staff explained that, as a result of a consent order from SWFWMD, the utility had applied for water and wastewater certificates and authority to charge for those services to encourage water conservation. A representative of SWFWMD attended the meetings and explained the District's concerns with the amount of water being used in the development. The main customer concern related to how much the customers' monthly lot rent would be reduced as a result of their being billed for water and wastewater service.

We deferred consideration of the item from the May 6, 2008 Agenda Conference to allow our staff additional time to consider comments made by the Commissioners, a customer, and a utility representative, and to return with a recommendation based on the discussion at the Agenda Conference. On June 2, 2008, staff received a Settlement Agreement from Century-Fairfield and the Office of Public Counsel on behalf of the customers of Century-Fairfield and Fairfield Village H.O.A., Inc. (Homeowners Association). The Settlement Agreement addresses rates for water service, rates collected prior to our authorization, monthly billing, cancellation of wastewater Certificate No. 549-S, and an agreement that the rates will remain unchanged for two years. We considered the Settlement Agreement at our June 17, 2008, Agenda Conference. We have jurisdiction pursuant to Sections 367.031, 367.081, 367.091, and 367.161, Florida Statutes (F.S.).

Show Cause Proceeding

Century-Fairfield is a mobile home park that provided water and wastewater to its residents without specific compensation for its service. Therefore, the utility was exempt from our jurisdiction pursuant to Section 367.022(5), F.S. On November 30, 2006, Century-Fairfield was notified by SWFWMD that the utility was in violation of its water use permit. SWFWMD advised the utility that the utility would face penalties if it did not take action to reduce its water usage. Upon notification by SWFWMD, Century-Fairfield implemented a plan to curb its excessive water usage by charging customers if the customer used more than 7,000 gallons in a month. The utility charged its customers for excess water usage for the period of May 2007 to September 2007. During that time, the utility billed and collected \$7,186.20 in revenues.

By charging customers for excessive water use, Century-Fairfield lost its statutory exemption from our jurisdiction. Once we obtain jurisdiction, a utility may not charge water or wastewater rates until we have approved those rates. See Section 367.081(1) and 367.091(4), F.S. Therefore, the \$7,186.20 in revenues collected for the period of May 2007 to September 2007 was unauthorized. When it realized that charging rates made it a non-exempt utility,

Century-Fairfield filed its application with us. Upon notification from our staff that the rates the utility was charging were unauthorized, the utility ceased collecting those revenues.

Section 367.161, F.S., authorizes us to assess a penalty of not more than \$5,000 for each offense, if a utility is found to have knowingly refused to comply with, or have willfully violated any Commission rule, order, or provision of Chapter 367, F.S. In Order No. 24306, issued April 1, 1991, in Docket No. 890216-TL, In Re: Investigation Into The Proper Application of Rule 25-14.003, Florida Administrative Code (F.A.C.), Relating To Tax Savings Refund for 1988 and 1989 for GTE Florida, Inc., having found that a company had not intended to violate the rule, we nevertheless found it appropriate to order it to show cause why it should not be fined, stating that “in our view, ‘willful’ implies an intent to do an act, and this is distinct from an intent to violate a statute or rule.” Additionally, “it is a common maxim, familiar to all minds that ‘ignorance of the law’ will not excuse any person, either civilly or criminally.” Barlow v. United States, 32 U.S. 404, 411 (1833).

Due to a number of mitigating circumstances, we do not believe a show cause proceeding is appropriate within these factual circumstances. The utility has indicated its willingness to comply with all statutes and rules of the state of Florida. When it was notified by SWFWMD that it violated the water use permit, the utility took quick action to remedy the violation. Unfortunately, the remedy the utility chose was an inadvertent violation of another statute. The utility believed it was exempt from the Commission’s statutes because it was a landlord providing water and wastewater services to its tenants. Upon learning that it was no longer exempt, the utility took steps to remedy that violation by filing its application for water and wastewater certificates with us. Upon learning from our staff that it could not lawfully collect the revenues until we established rates, the utility ceased collecting those revenues. Furthermore, the utility has worked with OPC, who is representing the customers and the Homeowners’ Association, to resolve the customers’ concerns. As a result, the customers’ agree through the Settlement Agreement that the utility should keep the revenues previously collected, rather than refund it to the consumers.

Based on the foregoing, we find that the apparent violations of Sections 367.081(1) and 367.091(4), F.S., do not rise to the level that would warrant the initiation of a show cause proceeding. The utility should, however, be put on notice that, pursuant to Sections 367.081(1) and 367.091(4), F.S., it must only charge those rates and charges approved by us in its tariff.

Settlement Agreement

On June 2, 2008, Century-Fairfield, Fairfield Village H.O.A., and OPC on behalf of customers filed a Settlement Agreement (Attachment A) requesting our approval of water conservation rates and monthly billing for customers with water usage in excess of 7,000 gallons. In addition, the Settlement Agreement allows the utility to retain \$7,186.20 in revenues collected from high usage water customers prior to our approval of the rates collected, requires the rates to remain unchanged for two years, and provides for cancellation of wastewater Certificate No. 549-S.

According to the Settlement Agreement, the purpose of Century-Fairfield's application is to implement rates to curb excessive usage and not to provide the utility with a reasonable revenue requirement based upon standard ratemaking principles; therefore, the requested rates are not compensatory rates. The proposed rates, which are based on the rates charged by the utility prior to our authorization, do not include a base facility charge or a gallonage charge for usage up to 7,000 gallons per month. Customers that use more than 7,000 gallons and up to 12,000 gallons in a month will be charged \$3.50 per thousand gallons. Usage over 12,000 gallons per month will be billed at \$5.50 per thousand gallons.

The rates established in the Settlement Agreement are to remain unchanged for a period of two years, after which time any party may initiate an appropriate proceeding to change the rates. The Settlement Agreement also allows the utility to retain the \$7,186.20 it collected from customers for excessive water usage for the period of May 2007 to September 2007 to cover the costs incurred for implementing conservation rates and complying with our regulatory requirements.

Since only water conservation rates are being requested by the utility, the parties agree that wastewater Certificate No. 549-S issued in this docket should be cancelled. The utility has never collected rates for wastewater service; therefore, the wastewater system is exempt from our regulation pursuant to Section 367.022(5), F.S., which exempts from our regulation landlords providing service to their tenants without specific compensation for the service. Finally, the parties agree that, if we accept the Settlement Agreement and issue a final order with respect to the certificate application, all issues concerning the application among and between the parties shall be deemed resolved.

The facts surrounding this rate request are unique. Both Century-Fairfield and its customers were satisfied with the costs of the utility being absorbed through the lot rent. But for the drought conditions and the mandate of another state agency, the utility would likely have remained unregulated by this Commission. To respond to SWFWMD and comply with our regulations, while maintaining the original mobile home prospectus, the utility proposed a non-compensatory rate structure. The utility worked with the Homeowner's Association and OPC to enter into the Settlement Agreement. We find it is in the public interest to approve the Settlement Agreement because it is a reasonable resolution for all of the parties and it addresses our concerns raised at the Agenda Conference regarding the appropriate rate structure. The proposed rate structure will allow the utility to operate as it has previously and will induce conservation of water by sending a price signal to customers that the cost of consumption will increase as consumption increases. This will encourage high consumption customers to reduce their consumption or to upgrade plumbing fixtures to achieve more efficiency. Customers who use less than 7,000 gallons of water per month will continue to pay no additional charge for water usage. The Settlement Agreement expires after two years, which will give the utility, customers, and Commission staff an opportunity to evaluate the effectiveness of the rate structure. At the end of the two-year agreement, there is an opportunity to revise the rates as necessary. SWFWMD does not object to the proposed Settlement Agreement.

Therefore, we approve the Settlement Agreement without modification. The utility shall file a proposed customer notice to reflect the rates established in the Settlement Agreement. The water rates shall be effective for services rendered on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475, F.A.C. In addition, the rates shall not be implemented until our staff has approved the proposed customer notice and revised tariff sheets. The utility shall distribute the notice to the customers no later than with the first bill containing the approved rates, and provide proof of the date the notice was given no less than ten days after the date of the notice. In addition, wastewater Certificate No. 549-S shall be cancelled effective the date of our vote, June 17, 2008. Finally, we will not require the utility to refund the \$7,186.20 in previously collected revenues.

Miscellaneous Service Charges

The utility's request for miscellaneous service charges and a late payment fee was accompanied by its reason for requesting the charges, as well as the cost justification required by Section 367.091, F.S. Pursuant to Rule 25-30.460, F.A.C., all water and wastewater utilities may apply for miscellaneous service charges. These charges include initial connections, normal reconnections, violation reconnections, and premises visit charges. The utility's proposed miscellaneous service charges and late payment charge are also shown on Schedule No. 1, attached hereto.

The proposed miscellaneous service charges are based on projected expenses. The utility will only be charging miscellaneous service charges when a specific customer requests the service or is responsible for the service. The utility's justification for the miscellaneous service charges is to place the burden of these charges on the cost-causer rather than the general body of rate payers. Consistent with our previous findings, these charges shall apply only to the water system.

The cost justification provided by the utility appears. Therefore, we find that the utility's proposed miscellaneous service charges are reasonable and are approved.

In addition to the standard miscellaneous service charges, the utility proposes a \$5.00 late fee. The utility indicated that the justification for a late fee is two-fold. First, the fee encourages current and future customers to pay their bills on time. Second, if the payment is not made on time, the fee ensures that the cost associated with late payment is not passed on to customers who do pay on time. The cost basis provided by the utility is that it takes approximately 15 minutes of employee labor to research, review, and verify that payment has not been received and the costs of stationary and postage to print and mail the bill. These costs are consistent with our prior decisions. Therefore, we find that the utility's proposed late fee of \$5.00 is reasonable. Century-Fairfield's proposed miscellaneous service charges are reasonable and cost-based. Accordingly, we approve the late fee and miscellaneous service charges. The charges shall be effective for water services rendered on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475, F.A.C.

Temporary Rates and Charges in the Event of a Protest

This Order establishing water rates and charges is issued as a proposed agency action. A timely protest might delay what may eventually be considered reasonable and justified rates and charges potentially resulting in an unrecoverable loss of revenue to the utility. Therefore, in the event of a protest filed, we find that the recommended rates and charges are approved as temporary rates and charges. The recommended rates and charges collected by the utility will be subject to the refund provisions discussed below.

The utility is authorized to collect the temporary rates and charges upon our staff's approval of both the appropriate security for the potential refund and the proposed customer notice. Security shall be in the form of a bond or letter of credit in the amount of \$5,329, or the utility may establish an escrow agreement with an independent financial institution. The \$5,329 is based upon the estimated water revenues for seven months, which is the amount of time it could take to process the case.

If the utility chooses a bond as security, the bond shall contain wording to the effect that it will be terminated only under the following conditions:

- 1) We approve the rate increase; or
- 2) If we deny the increase, the utility shall refund the amount collected that is attributable to the increase.

If the utility chooses a letter of credit as a security, it shall contain the following conditions:

- 1) The letter of credit is irrevocable for the period it is in effect, and
- 2) The letter of credit will be in effect until our final order is rendered, either approving or denying the rate increase.

If security is provided through an escrow agreement, the following conditions shall be part of the agreement:

- 1) No refunds in the escrow account may be withdrawn by the utility without our express approval;
- 2) The escrow account shall be an interest bearing account;
- 3) If a refund to the customers is required, all interest earned by the escrow account shall be distributed to the customers;
- 4) If a refund to the customers is not required, the interest earned by the escrow account shall revert to the utility;

- 5) All information on the escrow account shall be available from the holder of the escrow account to our representative at all times;
- 6) The amount of revenue subject to refund shall be deposited in the escrow account within seven days of receipt;
- 7) This escrow account is established by the direction of the Florida Public Service Commission for the purpose(s) set forth in its order requiring such account. Pursuant to Cosentino v. Elson, 263 So. 2d 253 (Fla. 3d DCA 1972), escrow accounts are not subject to garnishments;
- 8) Our Commission Clerk must be a signatory to the escrow agreement; and
- 9) The account must specify by whom and on whose behalf such monies were paid.

In no instance shall the maintenance and administrative costs associated with the refund be borne by the utility's customers. These costs are the responsibility of, and shall be borne by, the utility. Irrespective of the form of security chosen by the utility, an accounting of all monies received as a result of the rate increase shall be maintained by the utility. If a refund is ultimately required, it shall be paid with interest calculated pursuant to Rule 25-30.360(4), F.A.C.

The utility shall maintain a record of the amount of the bond, and the amount of revenues that are subject to refund. In addition, after the rates and charges are in effect, pursuant to Rule 25-30.360(6), F.A.C., the utility shall file reports with our Division of Economic Regulation no later than the 20th of each month indicating the monthly and total amount of money subject to refund at the end of the preceding month. The report filed shall also indicate the status of the security being used to guarantee repayment of any potential refund.

Based on the foregoing, it is

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that Century-Fairfield Village, Ltd., shall not be required to show cause for charging unauthorized rates. It is further

ORDERED that the Settlement Agreement which is included as Attachment A to this Order and which is entered into by Fairfield Villages H.O.A., Inc., Century-Fairfield Villages,

Ltd., and the Office of Public Counsel on behalf of the customers of Century-Fairfield Villages, Ltd., is hereby approved. It is further

ORDERED that Century-Fairfield Villages, Ltd., is authorized to charge the rates established by the Settlement Agreement and the miscellaneous service charges and late fees as set forth in this Order. It is further

ORDERED the rates, charges and late fees shall not be implemented until our staff has approved the proposed customer notice and revised tariff sheets. It is further

ORDERED that the utility shall distribute the approved notice to the customers no later than with the first bill containing the approved rates and provide proof of the date the notice was given no less than ten days after the date of the notice. It is further

ORDERED that wastewater Certificate No. 549-S issued to Century-Fairfield Village, Ltd. pursuant to Order No. PSC-08-0067-FOF-WS, on January 29, 2008, in this docket, is hereby cancelled. It is further

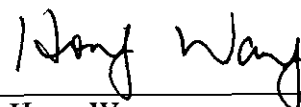
ORDERED that in the event of a protest of this Order, the recommended rates and charges are approved as temporary rates and charges. The recommended rates and charges collected by the utility will be subject to the refund provisions as set forth in this Order. It is further

ORDERED that in the event this Order becomes final, this docket shall remain open pending receipt of revised tariff sheets reflecting the Commission approved rate. Upon receipt and verification of the revised tariff sheets, the docket shall be administratively closed.

By ORDER of the Florida Public Service Commission this 7th day of July, 2008.

ANN COLE
Commission Clerk

By:



Hong Wang
Office of Commission Clerk

(S E A L)

LCB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The show cause portion of this Order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are affected by this Show Cause Order may file a response within 21 days of issuance of the Show Cause Order as set forth herein. This response must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on July 28, 2008.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing and a default pursuant to Rule 28-106.111(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

If an adversely affected person fails to respond to the show cause portion of this Order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this Order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure.

As identified in the body of this Order, our actions approving the Settlement Agreement and setting miscellaneous charges and late fees are preliminary in nature. Any person whose substantial interests are affected by the action proposed by this Order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on July 28, 2008. If such a petition is filed, mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing. In the absence of such a petition, this Order shall become effective and final upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this Order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

The portion of this Order setting temporary rates and charges in the event of a protest is preliminary, procedural, or intermediate in nature. Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review

by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

The portion of this Order cancelling the wastewater Certificate is final in nature. Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

ORDER NO. PSC-08-0435-PAA-WS

DOCKET NO. 070548-WS

PAGE 11

Schedule No. 1

MISCELLANEOUS SERVICE CHARGES

DESCRIPTION	NORMAL HOURS	AFTER HOURS
Water Service		
Initial Connection	\$ 30.00	\$ 40.00
Normal Reconnection	\$ 30.00	\$ 40.00
Violation Reconnection	\$ 30.00	\$ 40.00
Premises Visit Charge	\$ 30.00	\$ 40.00
Late Payment Charge	\$ 5.00	Not Applicable

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Certificates to provide
water and wastewater service in Marion
County by Century-Fairfield Village, Ltd.

DOCKET NO.: 070548-WS

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT is made and entered into this 2nd day of ~~May~~ June, 2008, by and between CENTURY-FAIRFIELD VILLAGE, LTD. ("Century-Fairfield" or "Utility"), the OFFICE OF PUBLIC COUNSEL on behalf of the customers of Century-Fairfield ("Citizens"), and FAIRFIELD VILLAGE H.O.A., INC. ("HOA").

WITNESSTH

WHEREAS, Century-Fairfield is located in the Southwest Florida Water Management District (SWFWMD). Because of drought conditions, the SWFWMD enacted district-wide water use restrictions. Because Century-Fairfield was making water withdrawals in excess of its water use permit, the SWFWMD found Century-Fairfield in violation of its water use permit and directed the Utility to take all necessary steps to reduce usage. As a result, the Utility implemented a plan to curb its excessive water usage by charging for water and wastewater service; and

WHEREAS, for the period May, 2007 to September, 2007, Century-Fairfield charged customers for excessive usage, and during such period, billed and collected \$7,186.20 in revenue; and

WHEREAS, by implementing an excessive usage charge, Century-Fairfield ceased to be exempt from Commission jurisdiction pursuant to Section 367.022 (5), Florida Statutes; and

WHEREAS, Century-Fairfield filed an Application for original water and wastewater certificates, which were granted in Order No. PSC-08-0067-FOF-WS, and for original rates and charges, which are pending before the Commission; and

WHEREAS, the purpose of Century-Fairfield's Application is to implement rates to curb excessive usage, and not to provide it with a reasonable revenue requirement based upon standard ratemaking principles; and

NOW THEREFORE, for and in consideration of the mutual covenants set forth below, the sufficiency of which is hereby acknowledged among the parties, the parties agree as follows:

1. RECITALS. The foregoing recitations are true and correct and incorporated herein.

2. PREVIOUS CHARGES. Century-Fairfield shall be entitled to retain the \$7,186.20 it collected from customers for excessive water usage in order to help pay for costs associated with implementing the herein described conservation rates and complying with the Florida Public Service Commission's regulatory requirements..

3. RATES. Those customers that utilize more than 7,000 gallons of water in a month shall pay the following rates:

7,001 gallons up to 12,000 gallons	\$3.50 per thousand gallons
Over 12,000 gallons	\$5.50 per thousand gallons

4. METER READINGS/BILLINGS. Century-Fairfield shall read the water meters and bill on a monthly basis those customers who utilize more than 7,000 gallons of water during that month.

5. TERM. The rates established in this Settlement Agreement shall remain unchanged for a period of two years, after which time any party may initiate appropriate

proceedings to change the rates. Until such change in rates is approved by the Commission, the rates set forth herein shall remain in effect.

6. WASTEWATER CERTIFICATE. Since only conservation water rates are being sought by the Utility, Wastewater Certificate 549-S shall be cancelled.

7. JOINT MOTION. Utility, Citizens and HOA shall file a joint motion requesting the Commission to issue a final order in this docket consistent with the terms of this Settlement Agreement

IN WITNESS WHEREOF, the parties hereto have hereunder caused this Settlement Agreement to be executed as of the date and year aforesaid, in counterparts, each counterpart to be considered an original.

CITIZENS OF THE STATE OF FLORIDA,
OFFICE OF PUBLIC COUNSEL

BY:  _____

Stephen C. Reilly
Associate Public Counsel

CENTURY-FAIRFIELD VILLAGE, LTD.

BY: _____

Martin S. Friedman
Attorney for Century-Fairfield
Village, Ltd.

FAIRFIELD VILLAGE H.O.A., INC.

BY: _____

Barton W. Rich
President

proceedings to change the rates. Until such change in rates is approved by the Commission, the rates set forth herein shall remain in effect.

6. WASTEWATER CERTIFICATE. Since only conservation water rates are being sought by the Utility, Wastewater Certificate 549-S shall be cancelled.

7. JOINT MOTION. Utility, Citizens and HOA shall file a joint motion requesting the Commission to issue a final order in this docket consistent with the terms of this Settlement Agreement

IN WITNESS WHEREOF, the parties hereto have hereunder caused this Settlement Agreement to be executed as of the date and year aforesaid, in counterparts, each counterpart to be considered an original.

CITIZENS OF THE STATE OF FLORIDA,
OFFICE OF PUBLIC COUNSEL

CENTURY-FAIRFIELD VILLAGE, LTD.

BY: _____

Stephen C. Reilly
Associate Public Counsel

BY:  _____

Martin S. Friedman
Attorney for Century Fairfield
Village, Ltd.

FAIRFIELD VILLAGE H.O.A., INC.

BY: _____

Barton W. Rich
President

proceedings to change the rates. Until such change in rates is approved by the Commission, the rates set forth herein shall remain in effect.

6. WASTEWATER CERTIFICATE. Since only conservation water rates are being sought by the Utility, Wastewater Certificate 549-S shall be cancelled.

7. JOINT MOTION. Utility, Citizens and HOA shall file a joint motion requesting the Commission to issue a final order in this docket consistent with the terms of this Settlement Agreement

IN WITNESS WHEREOF, the parties hereto have hereunder caused this Settlement Agreement to be executed as of the date and year aforesaid, in counterparts, each counterpart to be considered an original.

CITIZENS OF THE STATE OF FLORIDA,
OFFICE OF PUBLIC COUNSEL

CENTURY-FAIRFIELD VILLAGE, LTD.


BY: _____

BY: _____

Stephen C. Reilly
Associate Public Counsel

Martin S. Friedman
Attorney for Century-Fairfield
Village, Ltd.

FAIRFIELD VILLAGE H.O.A., INC.

BY: 
Barton W. Rich
President