

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

December 16, 2008

Docket No. 070405-WU – Application for certificate to operate water utility in Putnam County by Wilcox Investments, Inc. (MT ROYAL WTP).

Issue 1: Should Wilcox Investments, Inc., be ordered to show cause, in writing within 21 days, why it should not be fined for operating without a certificate in apparent violation of Section 367.031, F.S.?

Recommendation: Yes. Wilcox should be ordered to show cause, in writing, within 21 days why it should not be fined a total of \$500 for its apparent violation of Section 367.031, F.S., for its failure to obtain a certificate of authorization. The utility should also be required to file documentation with this Commission by February 2, 2009, either demonstrating its exempt status or completing its application for original water certificate. Further, the utility should be put on notice that failure to comply with Commission orders, rules, or statutes will again subject the utility to show cause proceedings and fines of up to \$5,000 per day per violation for each day the violation continues as set forth in Section 367.161, Florida Statutes.

WITHDRAWN

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Five horizontal lines for majority signatures.

Five horizontal lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

11598 DEC 16 08

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**Issue 2:** Should the docket be closed?

**Recommendation:** No. If Wilcox pays the \$500 in fines, this show cause matter should be considered resolved. If the utility timely responds in writing to the Order to show cause, the docket should remain open to allow for the appropriate processing of the response. This docket should also remain open to address the disposition of Wilcox's pending application for a certificate of authority.

**WITHDRAWN**