

VOTE SHEET

April 7, 2009

Docket No. 080562-WU – Request for approval of amendment to connection/transfer sheets, increase in returned check charge, amendment to miscellaneous service charges, increase in meter installation charges, and imposition of new tap-in fee, in Marion County, by East Marion Sanitary Systems Inc.

Issue 1: Should East Marion’s proposal to amend its connection/transfer sheet to require a customer to provide a Social Security number as a condition of receiving service, increase its returned check charge, amend its miscellaneous service charges, increase its meter installation charges, and impose a new tap-in fee be approved?

Recommendation: East Marion’s proposal to amend its tariffs should be denied in part and granted in part as filed. Staff recommends that the Utility not be permitted to amend its connection/transfer sheet to include a requirement that the applicant provide his Social Security number. Staff recommends that the Utility be permitted to amend its connection/transfer sheet to require one of several acceptable forms of identification. Staff is recommending that the returned check charge be established as specified in Sections 68.065, and 832.08(5) F.S., as may be amended. Also, staff recommends that the Utility’s proposed premise visit in lieu of disconnection be changed to premise visit, and its violation reconnection charge for water should be \$50.00 for normal hours and \$80.00 for after hours. With those exceptions, East Marion’s miscellaneous service charges, meter installation charges, and tap-in fees should be approved. If the Utility files revised tariff sheets within 30 days of the effective date of the Order which are consistent with the Commission’s vote, staff should be given administrative authority to approve the revised tariff sheets upon staff’s verification that the tariffs are

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures in the majority column: Ned A. Igo, Katrina J. McDermian, Matt E. O’Hara, Jon E. O’Hara, and Tony DeGuzman by Gary Klein.

Four horizontal lines in the dissenting column, all of which are blank.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

03191 APR-98

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(Continued from previous page)

consistent with the Commission's decision. If the revised tariff sheets are filed and approved, the connection/transfer sheet, returned check charge, miscellaneous service charges, meter installation charges, and tap-in fee should become effective for connections made on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475(2), Florida Administrative Code (F.A.C.), if no protest is filed.

MODIFIED The Utility was directed to modify the tariff to reflect the actual cost for return check fees. The oral modification as stated in the Commission Conference was incorporated. Staff was directed to coordinate with Mr. Will regarding finalization of the directives of the Commission Conference decision, who will communicate with the homeowners association.

Issue 2: Should East Marion be required to provide irrigation meters to the customers who have requested at the current tariff rate of \$70?

Recommendation: Yes. The Utility should be required to provide irrigation meters to the customers who have requested at the current tariff rate of \$70.

MODIFIED Customers who can provide proof that they have applied (prior to today's date) for irrigation meters under the old tariff rate will be entitled to it.

Issue 3: Should this docket be closed?

Recommendation: No. Upon expiration of the protest period, if a timely protest is not filed, a Consummating Order should be issued and the docket should remain open for 30 days from the issuance date of the Consummating Order, to allow the Utility time to file the revised tariff sheet. Upon staff's verification that the tariff sheet complies with the order, the tariff sheet should be stamped approved and the docket should be closed administratively. In the event that a timely protest is filed, and the Utility files revised tariff sheets reflecting the approved charges, the tariff should remain in effect with any increases held subject to refund pending resolution of the protest.

APPROVED

Internal Affairs/Agenda

on 4/7/09

Item No. 18

Lisa Bennett

** requested from staff - ac*

From: Mary Bane
Sent: Friday, April 03, 2009 3:05 PM
To: Lisa Bennett
Cc: Tim Devlin; Jennifer Brubaker; Booter Imhof; Shannon Hudson; Bart Fletcher; Cheryl Bulecza-Banks; William C. Garner; Roberta Bass; Lorena Holley; Larry Harris; Bill McNulty; Selena Chambers; Chuck Hill; Mary Bane
Subject: RE: Oral Modification to Agenda Item18, East Marion Sanitary Services, Inc. Recommendation, Docket No. 080562

Approved.

From: Lisa Bennett
Sent: Friday, April 03, 2009 1:41 PM
To: Mary Bane
Cc: Tim Devlin; Jennifer Brubaker; Booter Imhof; Shannon Hudson; Bart Fletcher; Cheryl Bulecza-Banks
Subject: Oral Modification to Agenda Item18, East Marion Sanitary Services, Inc. Recommendation, Docket No. 080562

Dr. Bane,

Staff and Legal request modification to the above agenda item. The purpose of the request for oral modification is two-fold. First, the paragraph that was stricken has two errors. It includes an incorrect reference to the Florida Administrative Code. It should have been Rule 25-30.475(2) not subsection (1). And the paragraph includes an incorrect reference to the timing of the customer notice. The notice should be provided ten days after the date the PAA order was issued, not when the order is final.

The second reason for the oral modification is to make it very clear to the utility that customers must receive notice of all of the tariff revisions. As currently written, the recommendation could be read to require only customer notification of the changes to the Miscellaneous Service Charges. Staff wanted to be certain that the utility understood that all tariff changes must be noticed to the customers after the PAA order was issued.

↙ The oral modifications are as follows:

On page 3, the Recommendation Statement, the last sentence should read: "If the revised tariff sheets are filed and approved, the connection/transfer sheet, returned check charge, miscellaneous service charges, meter installation charges, and tap-in fee should become effective for connections made on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475(2), Florida Administrative Code, provided customer notice was timely given and provided that no protest is filed. (Hudson, Bennett)

On the bottom of page 6, the last paragraph should be changed to delete all but the first sentence, as follows:

In summary, staff recommends the Utility's miscellaneous service charges be approved with staff's recommended changes above. ~~East Marion should file a proposed customer notice to reflect the Commission-approved charges. The approved charges should be effective for service rendered~~

4/7/2009

~~on or after the stamped approval date of the tariff, pursuant to Rule 25-30.475(1), F.A.C., provided the notice has been approved by staff. Within ten days of the date the order is final, the Utility should be required to provide notice of the tariff changes to all customers. East Marion should provide an affidavit for proof that the customers have received notice within ten days after the date the notice was sent.~~

On the bottom of page 7, after the section on Tap-In Fee, and before the Summary add the following subsection:

Customer Notice of Tariff Changes

East Marion should file a proposed customer notice to reflect the Commission-approved tariff changes, including the change to the connection/transfer sheet, the returned check charge, the miscellaneous service charges, meter installation charges, and tap-in fees. The approved changes should be effective for service rendered on or after the stamped approval date of the tariff, pursuant to Rule 25-30.475(2), F.A.C., provided the notice has been approved by staff. Within ten days of the date the PAA order is issued, the Utility should be required to provide notice of the tariff changes to all customers. Within ten days after the date the notice was sent, East Marion should provide an affidavit for proof that the customers have received notice.

And finally on the bottom of page 8 in the Summary, the last sentence should read as follows:

If the revised tariff sheets are filed and approved, the connection/transfer sheet, returned check charge, miscellaneous service charges, meter installation charges, and tap-in fee should become effective for connections made on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475(2), Florida Administrative Code (F.A.C.), provided customer notice was timely given and provided that if no protest is filed.

Lisa C. Bennett
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