

VOTE SHEET

July 14, 2009

Docket No. 080499-WU – Application for certificate to operate water utility in Lake County by TLP Water, Inc.

Issue 1: Should the Commission order TLP Water, Inc. to show cause, in writing within 21 days, why it should not be fined for operating a water utility without a certificate of authorization in apparent violation of Chapter 367.031, F.S.?

Recommendation: No, TLP Water, Inc. should not be ordered to show cause for operating a water utility without a certificate of authorization.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures in the majority column: Neil A. [unclear], Katrina J. McMurrain, Matt [unclear], [unclear], and Mary Argenziano [unclear].

Empty lines in the dissenting column.

REMARKS/DISSENTING COMMENTS: Commissioner Argenziano participated in the conference by telephone. She will sign the vote sheet upon her return to the office.

DOCUMENT NUMBER-DATE

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**Issue 2:** Should TLP Water, Inc. be ordered to show cause, in writing within 21 days, as to why it should not be fined for charging unauthorized rates from 1972 to present, in apparent violation of Sections 367.081(1) and 367.091(3), Florida Statutes, and Rule 25-30.135, Florida Administrative Code (F.A.C.)?

**Recommendation:** No, TLP Water, Inc. should not be ordered to show cause for charging unauthorized rates from 1972 to present. However, the utility should be placed on notice that it must charge its Commission-approved rates and charges until authorized to change by the Commission, and that such apparent violations will not be tolerated in the future.

**APPROVED**

**Issue 3:** Should TLP Water, Inc. be ordered to show cause, in writing, within 21 days, why it should not be fined for failure to file annual reports from 1972 to 2007, in apparent violation of Rules 25-30.110(3), Florida Administrative Code (F.A.C.)?

**Recommendation:** No, TLP Water, Inc. should not be ordered to show cause for failing to file annual reports from 1972 to present.

**APPROVED**

**Issue 4:** Should TLP Water, Inc. be ordered to show cause, in writing, within 21 days, why it should not be fined for failure to remit its regulatory assessment fees (RAFs) for 1972 through 2008, in apparent violation of Section 367.145, F.S., and Rule 25-30.120, F.A.C.?

**Recommendation:** No, TLP Water, Inc. should not be ordered to show cause for failing to remit its RAFs for 1972 through 2008.

**APPROVED**

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**Issue 5:** Should the application of TLP Water, Inc. for a water certificate be approved?

**Recommendation:** TLP Water, Inc. should be granted Certificate No. 644-W to serve the territory described in Attachment A of staff's memorandum dated July 1, 2009, effective the date of the Commission's vote. The resultant order should serve as the utility's water certificate and it should be retained by the utility.

**APPROVED**

**Issue 6:** Should the utility's existing rate and charges be continued?

**Recommendation:** The existing water rate shown on Schedule No. 1 of staff's memorandum dated July 1, 2009, should be approved for TLP's customers. TLP should be required to charge the approved rate until authorized to change by this Commission in a subsequent proceeding. The rate should 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.

**APPROVED**

**Issue 7:** Should the utility's requested miscellaneous service charges, and late fee be approved?

**Recommendation:** Yes. The utility's requested miscellaneous service charges, and late fee should be approved. The miscellaneous service charges, and late fee should 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.

**APPROVED**

**Issue 8:** Should this docket be closed?

**Recommendation:** Yes. If no timely protest is filed by a substantially affected person to proposed agency action in Issue 7, a consummating order should be issued upon expiration of the protest period and the docket should be closed.

**APPROVED**