

VOTE SHEET

August 18, 2009

Docket No. 090154-SU – Notice of abandonment of wastewater system for The Village of Lakeland Mobile Home Park in Polk County, by West Lakeland Wastewater, Inc.

Issue 1: Should the Commission acknowledge the abandonment of the utility and the appointment of Mr. Michael Smallridge as receiver?

Recommendation: Yes, the Commission should acknowledge the abandonment of the utility and the appointment of Mr. Smallridge as receiver effective June 22, 2009, pursuant to Section 367.165, F.S. The territory previously approved for this utility is described in Attachment A in staff's memorandum dated August 6, 2009. Certificate No. 515-S should remain effective. Pursuant to Rule 25-30.120, F.A.C., the receiver should file the utility's 2009 regulatory assessment fees. The resultant order should serve as West Lakeland's wastewater certificate and it should be retained by the utility. Pursuant to Rule 25-9.044(1), Florida Administrative Code (F.A.C.), the rates and charges approved for the utility should be continued until authorized to change by the Commission in a subsequent proceeding.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: Katrina J. McMurrain, [unclear], [unclear], and [unclear].

Blank lines for dissenting signatures.

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 the Commission require the utility to show cause within 21 days, why it should not be fined for failure to pay regulatory assessment fees and file annual reports, pursuant to Rules 25-30.110 and 25-30.120, F.A.C.

Recommendation: No. The Commission should decline to show cause the utility for failure to pay regulatory assessment fees and file annual reports now that it is in receivership, and request that the Department of Financial Services write off \$6,219.95 owed by the utility's former owners.

APPROVED

Issue 3: Should this docket be closed?

Recommendation: Yes. If the Commission approves Staff's recommendation, upon referral of the unpaid regulatory assessment fees, penalties, and interest to the Department of Financial Services regarding authority to write off the account as uncollectible, this docket should be closed administratively.

APPROVED