

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JUNE 1, 2004

RE: Docket No. 010503-WU - Application for increase in water rates for Seven Springs System in Pasco County by Aloha Utilities, Inc.

Issue 1: What is the proper disposition of OPC's Motion to Dismiss Aloha's Petition for Formal Administrative Hearing for Aloha's purported failure to follow rules of procedure, and Aloha's Motion to Strike OPC's Motion to Dismiss?

Recommendation: Aloha's Motion to Strike OPC's Motion to Dismiss should be denied. OPC's Motion to Dismiss should also be denied.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Charles A. Dard
Mark S. ...
Maureen ...
Tom ...
Wesley ...

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

06150 JUN-1 04

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Issue 2: Should the Commission grant Aloha Utilities, Inc.'s Petition for Formal Administrative Hearing?

Primary Staff Recommendation: Because there appear to be no disputed issues of material fact, Aloha's request for a formal administrative hearing should be denied. Instead, the Commission should grant an informal administrative hearing in accordance with Section 120.57(2), Florida Statutes, and require briefs on the legal issues within 30 days of the Commission's vote.

APPROVED

Alternate Staff Recommendation: If the Commission agrees that the actual difference between what was collected under interim rates and what would have been collected under final rates is a material fact, or that Issue E, concerning whether there has been a change in policy involves a disputed issue of material fact, the Commission should initiate a formal proceeding in accordance with Section 120.57(1), Florida Statutes. If the parties subsequently stipulate to the disputed issues of material fact, the formal proceeding should be converted to an informal proceeding conducted in accordance with Section 120.57(2), Florida Statutes.

DENIED

Issue 3: Should the Commission grant Aloha Utilities, Inc.'s request that its Petition for Formal Administrative Hearing be transferred to DOAH?

Recommendation: No. This matter is infused with public policy considerations and the need for the special expertise of the Commission. Therefore, the Commission should deny Aloha's request to transfer this matter to DOAH.

MOOT

Due to decision in Issue 2

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Issue 4: Should this docket be closed?

Recommendation: No. This docket should remain open for the Commission to conduct a formal proceeding if the Commission determines there are disputed issues of material fact, and for an informal hearing if it is determined that there are no disputed issues of material fact. Also, Aloha has not yet made the improvements required by Order No. PSC-02-0593-FOF-WU.

APPROVED