

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 3, 1998

RE: DOCKET NO. 960444-WU - Application for rate increase and for increase in service availability charges in Lake County by Lake Utility Services, Inc. (Deferred from 10/6/98 Commission Conference)

Issue 1: Should the Commission acknowledge Lake Utility Services, Inc.'s Notice of Withdrawal of Offer of Settlement and Notice of Withdrawal of Protest of PAA?

Recommendation: No. The Commission should not acknowledge Lake Utility Services, Inc.'s notice of withdrawal, because the utility is precluded from withdrawing its settlement offer and protest. ~~Furthermore, the Commission, on its own motion, should dismiss the utility's application for increased rates and service availability charges without prejudice.~~

APPROVED *in part and DENIED in part (as indicated by stricken language.)*

Matter is set for hearing.

COMMISSIONERS ASSIGNED: DS CL JC

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in majority column]

REMARKS/DISSENTING COMMENTS:

Issues 2 and 3 are moot based on vote in issue 1.

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Issue 2: Should interim rates be refunded and what rates should be placed into effect?

Recommendation: If the Commission approves staff's recommendation in Issue No. 1, the utility should refund all interim rates collected. The refund should be made with interest in accordance with Rule 25-30.360(4), Florida Administrative Code. The utility should treat any unclaimed refunds as CIAC pursuant to Rule 25-30.360(8), Florida Administrative Code. Further, the utility should file revised tariffs reflecting the rates established in Order No. PSC-96-0504-AS-WU and attached to staff's September 10, 1998 memorandum as Schedule 1. The utility should also file a proposed customer notice to reflect the appropriate rates. The approved rates should be effective for service rendered on or after the stamped approval date on the tariff sheets pursuant to 25-30.475(1), Florida Administrative Code. The rates should not be implemented until proper notice has been received by the customers. The utility should provide proof of the date notice was given no less than 10 days after the date of notice.

Moot

Issue 3: Should this docket be closed?

Recommendation: Yes. This docket should be closed after the time for filing an appeal has run, upon staff's verification that the utility has completed the required refunds with interest and the proper revised tariff sheets and customer notice have been filed by the utility and approved by staff. Further, the utility's corporate undertaking may be released upon staff's verification that the refund has been completed.

Moot