

VOTE SHEET

JULY 23, 2002

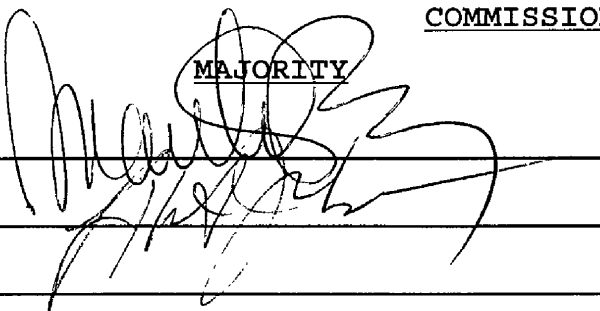
RE: Docket No. 010503-WU - Application for increase in water rates for Seven Springs System in Pasco County by Aloha Utilities, Inc.

ISSUE 1: Should Aloha's Request for Oral Argument on its Motion for Stay be granted?

RECOMMENDATION: Yes. Staff believes that in accordance with Rule 25-22.058(1), Florida Administrative Code, oral argument would aid the Commission in comprehending and evaluating the issues before it as to whether all or only portions of Order No. PSC-02-0593-FOF-WU must be stayed. Therefore, staff recommends that the Commission grant oral argument, and that oral argument be limited to ten minutes for each party.

APPROVED

COMMISSIONERS ASSIGNED: Jaber, Baez, Palecki

COMMISSIONERS' SIGNATURESMAJORITYDISSENTING



REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

07662 JUL 23 8

FPSC-COMMISSION CLERK

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

(Continued from previous page)

ISSUE 2: Should the Commission grant the Motion for Stay of Aloha Utilities, Inc., pending judicial review of Order No. PSC-02-0593-FOF-WU?

RECOMMENDATION: The Commission should grant in part and deny in part Aloha's Motion for Stay. Pursuant to the provisions of Rule 25-22.061(1)(a), Florida Administrative Code, the Commission should stay both those provisions of Order No. PSC-02-0593-FOF-WU which require refunds and set new rates. Aloha should be allowed to continue to collect the interim rates and continue escrowing the amounts subject to refund in accordance with Order No. PSC-01-2199-FOF-WU. Also, pursuant to Rule 25-22.061(2)(b), Florida Administrative Code, the Commission should stay those provisions of Order No. PSC-02-0593-FOF-WU which require Aloha to make improvements to Wells Nos. 8 and 9, and then to all its wells, to implement a treatment process designed to remove at least 98 percent of the hydrogen sulfide in its raw water, with such improvements being placed into service by no later than December 31, 2003. All the above requirements should be stayed pending judicial review. However, the requirement that Aloha submit a plan within 90 days of the date of the Final Order on Appeal showing how it intends to comply with the requirement to remove hydrogen sulfide and that it implement the five Customer Service Measures set forth in the Final Order on Appeal should not be stayed. Aloha should be required to submit the plan within 90 days of the Commission vote on this recommendation, and Aloha should implement the five customer service measures within 120 days of the Commission vote on this recommendation. Moreover, Aloha should be cautioned to proceed with the pilot project as directed in Orders Nos. PSC-00-1285-FOF-WS and PSC-00-1628-FOF-WS. Also, the provision for increasing the interim water service availability charge from \$500 to \$1,000 should not be stayed, and Aloha should comply with the requirements set out in Order No. PSC-02-0593-FOF-WU for increasing its interim water service availability charges. Aloha should be required to submit revised tariff sheets reflecting this \$1,000 interim service availability charge within 20 days of the Commission vote on this recommendation, and comply with all other requirements of Order No. PSC-02-0593-FOF-WU as regards the interim service availability charges.

MODIFIED

As modified to include conservation measures.

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

(Continued from previous page)

ISSUE 3: Should this docket be closed?

RECOMMENDATION: The docket should remain open pending the outcome of the appeal.

APPROVED