

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

April 7, 2009

Docket No. 080268-WS – Joint Application for transfer of the Springside water and wastewater systems from Par Utilities, Inc. in Levy County to FIMC Hideaway, Inc.; amendment of Certificates 426-W and 362-S held by FIMC Hideaway, Inc.; and amendment of Certificate 428-W and cancellation of Certificate 366-S held by Par Utilities, Inc.

Issue 1: Should the Settlement Agreement among Par Utilities, Inc., FIMC Hideaway, Inc., and the objecting customers be approved?

Recommendation: Yes. The Settlement Agreement appended as Attachment A to staff's memorandum dated March 26, 2009, should be approved as a reasonable resolution of this matter and should be taken into consideration in the determination of whether the transfer should be approved in Issue 2.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures in the majority column, including Katrina J. McMurrin.

Empty lines in the dissenting column.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER - DATE

03121 APR-88

FPSC-COMMISSION CLERK

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Issue 2: Should the transfer of the Springside water and wastewater systems from Par Utilities, Inc. to FIMC Hideaway, Inc., the amendment of Certificates 428-W, 426-W, and 362-S, and cancellation of Certificate 366-S be approved?

Recommendation: Yes. The transfer of the Springside water and wastewater systems from Par to FIMC is in the public interest and should be approved. No acquisition adjustment should be made, pursuant to Rule 25-30.0371, Florida Administrative Code (F.A.C.). The effective date of transfer should be the date of the Commission vote. Certificate No. 428-W held by Par should be amended to remove the Springside service area, and Certificate No. 366-S held by Par should be cancelled. Certificates Nos. 426-W and 362-S held by FIMC should be amended to add the Springside service area. The resultant order should serve as Par's water certificate and FIMC's water and wastewater certificates and should be retained by the Seller and Buyer. The territory being transferred is described in Attachment C of staff's memorandum dated March 26, 2009. The tariff pages reflecting the transfer should be effective for services provided or connections made on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475, F.A.C.

APPROVED

Issue 3: Should FIMC's request for a company-wide \$5.00 late payment charge be approved?

Recommendation: Yes. FIMC's request for a company-wide \$5.00 late payment charge is consistent with Commission rules and recent Commission orders and should be approved. Within five working days of the issuance of the Proposed Agency Action (PAA) order, staff recommends that FIMC be required to file a proposed customer notice of the approved late payment charge. Once staff has approved the proposed customer notice, FIMC may either choose to mail the notice separately to its customers or insert it with the next billing cycle. The tariff sheets containing late payment charge should become effective for services rendered on or after the stamped approval date on the tariff, pursuant to Rule 25-30.475, F.A.C.

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Issue 4: Should the docket be closed?

Recommendation: No. If no protest to the proposed agency action issue is filed by a substantially affected person within 21 days of the date of the order, a consummating order should be issued. However, the docket should remain open pending staff's verification that notice of the late payment charge has been given to customers after which the docket should be administratively closed.

APPROVED