

VOTE SHEET

December 15, 2009

Docket No. 080366-GU – Petition for rate increase by Florida Public Utilities Company.

Issue 1: Should the Commission approve the Stipulation and Settlement which was entered into between OPC and FPUC for the purpose of settling this Docket?

Recommendation: Yes. Staff recommends that the Stipulation and Settlement (Settlement) entered into between OPC and FPUC be approved.

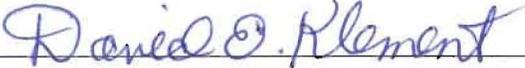
APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING











REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

11966 DEC 15 09

FPSC-COMMISSION CLERK

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Issue 2: Should FPUC be required to make a refund to its customers?

Recommendation: Yes. Staff recommends that FPUC refund the difference between the rates approved by the PAA Order and the rates resulting from the Settlement, with interest, in the form of a one-time refund on customer bills. FPUC should also be required to file a report with the Division of Economic Regulation 10 business days prior to the refund being made showing the detailed calculations of the actual refund. Once staff verifies that the refund is complete, the \$6,000,000 corporate undertaking guaranteed by Florida Public Utilities Company, the consolidated entity, may be released. No refund of any of the \$984,054 interim rate increase is warranted.

APPROVED

Issue 3: What are the appropriate rates that result from the Settlement?

Recommendation: The appropriate rates are shown in Attachment B of staff's memorandum dated December 3, 2009. FPUC should file tariffs reflecting the rates shown in Attachment B. The revised rates should go into effect 30 days after the Commission vote, which under the current schedule would mean for meters read on or after January 14, 2010. The Company should provide notice of the final approved rates as required by Rule 25-22.0406(8), F.A.C. A copy of the notice should be submitted to staff for approval prior to its use.

APPROVED

Issue 4: Should this docket be closed?

Recommendation: No. The docket should remain open until staff has approved the revised tariffs sheets and customer notices, and FPUC has provided staff with proof that it has made the appropriate refunds with interest. Once staff has verified all of the above actions are complete, this docket should be closed administratively.

APPROVED