

REQUEST FOR CHANGE TO COMMISSION CONFERENCE
HAND DELIVER

RECEIVED--FPSC

Date of Request: 10/14/2011

Date of Commission Conference: 10/18/2011

Item No. 12
11 OCT 17 AM 11:31

Docket No.: 110254-WS

Brief Title: Four Points Utility Show Cause

Requested by: Staff Other

Mr. Shef Wright
(Name) COMMISSION CLERK

Please attach a copy of the written documentation filed (IF OTHER)

STAFF's Recommendation to Executive Suite (IF OTHER) Approve Request Deny Request

ACTION REQUESTED [see APM 2.11]

- Defer Item to Conference Scheduled for: _____ Date: _____
- Change Order of Item or Take Up at Time Certain
- Withdraw Item (not expected to return to Agenda)
- Late Filed Recommendation (must be filed no later than 3:00 p.m. on the date approved for late filing) **A copy of the front page of the recommendation must be provided to the Commission Clerk by 12 noon on the regular filing date for use as a place-holder during agenda preparation.**
- Add Item to Published Agenda [see Section 120.525(2), F.S.] – Issue an ADDENDUM and give Legal NOTICE
- Add Emergency Item to Published Agenda [see Section 120.525 (3), F.S.] – Issue an ADDENDUM and Give Fair NOTICE

Concise explanation, justification or comments (attach additional sheet if necessary):

Please see attached explanation.

Signature (Technical Staff): *Marathon Holden* *PH*

Initials (Division/Office Director or Designee): *[Signature]*

Signature (Legal Staff): *Lisa Bennett*

Initials (General Counsel or Designee): *[Signature]*

EXECUTIVE DIRECTOR:

Recommendation to the Chairman's Office

Approve Request Deny Request

Initials: *[Signature]*

Date: *10/17/11*

Comments:

CHAIRMAN'S OFFICE:

Approve Request Deny Request

Initials: *JAV*

Date:

The Executive Suite will forward the original approved form to the Office of Commission Clerk and distribute copies to the OPR division/office director, the Executive Director, the Deputy Executive Director, the General Counsel, the Deputy General Counsel, the Office of Public Information Director, the Commissioners' Assistants, and the attorney assigned to the docket.

**CLK AGENDA
STAFF COPIED**

DOCUMENT NUMBER-DATE

07576 OCT 17 =

Four Points Utility Corporation, through its attorney, Shef Wright, requested that this recommendation be deferred until the November 22, 2011 Agenda Conference. Mr. Wright requested additional time to review the recommendation and work with the Utility owner and Commission staff to bring the Utility into compliance. Staff recommends that the request be denied. Staff has attempted to work with the utility owner since 2005, without success. Furthermore, the Utility has been aware of the substance of staff's recommendation since the June 2011 publication of the Management Audit report. Moreover, Tuesdays Agenda Conference is merely the Commission's authorization to begin the formal process to set fines. If the Commission approves staff's recommendation on Tuesday, then staff has 20 days to issue the order. Once the order is issued, the Utility must be served with the Order. The utility has 21 days from service to respond to the order. Staff believes that 41 days is sufficient time for the utility to come into compliance or prepare its case. Staff recommends that the deferral be denied.