

FLORIDA PUBLIC SERVICE COMMISSION

Item 6

VOTE SHEET

FILED NOV 25, 2014
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FPSC - COMMISSION CLERK

November 25, 2014

Docket No. 120285-SU – Application to transfer wastewater facilities and Certificate No. 137-S in Brevard County from Colony Park Utilities, Inc. to Colony Park Development Utilities, LLC.

Issue 1: Should the Commission approve the transfer of Colony Park Utilities, Inc. and wastewater Certificate No. 137-S to Colony Park Development Utilities, LLC?

Recommendation: Yes. The transfer of Colony Park Utilities, Inc. (Colony Park or Utility) wastewater system and the transfer of Certificate No. 137-S to Colony Park Development Utilities, LLC (Colony Park Development or Buyer) is in the public interest and should be approved effective the date of the Commission vote. The territory being transferred is described in Attachment A of staff’s memorandum dated November 13, 2014. The resultant order should serve as Colony Park Development’s wastewater certificate and should be retained as such. The Utility’s existing rates and charges should remain in effect until a change is authorized by the Commission in a subsequent proceeding. The tariff pages reflecting the transfer should be effective on or after the stamped approval date on the tariff sheets, pursuant to Rule 25-30.475(1), Florida Administrative Code, (F.A.C.). Colony Park Development will be responsible for annual reports and regulatory assessment fees for 2014 and all future years.

APPROVED

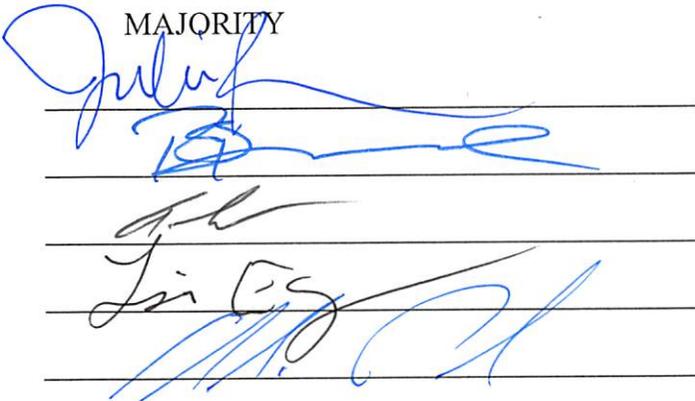
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COMMISSION
CLERK

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING



REMARKS/DISSENTING COMMENTS:

Docket No. 120285-SU – Application to transfer wastewater facilities and Certificate No. 137-S in Brevard County from Colony Park Utilities, Inc. to Colony Park Development Utilities, LLC.

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Issue 2: What is the appropriate net book value for Colony Park Development for transfer purposes, and should an acquisition adjustment be approved?

Recommendation: The net book value (NBV) of Colony Park Development's wastewater system for transfer purposes is \$56,933, as of September 27, 2012. An acquisition adjustment should not be included in rate base. Within 30 days of the final order, Colony Park Development should be required to provide general ledgers that show its books have been updated to reflect the Commission-approved balances as of September 27, 2012, along with a statement that these adjustments will also be reflected in the Utility's 2014 Annual Report.

APPROVED

Issue 3: Should Colony Park be required to show cause for why it should not be fined for an apparent violation of Section 367.071(1), F.S., for failing to obtain Commission approval prior to the transfer of its assets?

Recommendation: No. Staff recommends that the Utility's apparent violation of Section 367.071(1), F.S. does not rise to the level which warrants the initiation of a show cause proceeding. Therefore, Colony Park should not be required to show cause for failing to obtain Commission approval prior to closing on the sale of its facilities.

APPROVED

Issue 4: Should this docket be closed?

Recommendation: Yes. 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, the docket should be closed administratively after Colony Park Development has provided proof that its general ledgers have been updated to reflect the Commission-approved balances net book values and balances as of September 27, 2012.

APPROVED