

FLORIDA PUBLIC SERVICE COMMISSION

Item 3

VOTE SHEET

FILED 11/7/2017
DOCUMENT NO. 09573-2017
FPSC - COMMISSION CLERK

November 7, 2017

Docket No. 20170200-WU – Initiation of show cause proceedings against Kincaid Hills Water Company, in Alachua County, for noncompliance with Sections 350.113, 350.117, 367.121, and 367.145, Florida Statutes, and Rules 25-30.110, 25-30.120, 25-30.355, and 25-22.032, Florida Administrative Code.

Issue 1: Should Kincaid Hills Water Company be ordered to show cause in writing, within 21 days, why it is not obligated to remit payment in the amount of \$22,403.19, for delinquent Regulatory Assessment Fees, plus statutory penalties and interest, for the years 2008, 2009, 2012, 2013, and 2016?

Recommendation:

Alternative 1 Recommendation: Yes. Kincaid Hills Water Company should be ordered to show cause in writing, within 21 days, why it is not obligated to remit payment in the amount of \$22,403.19, for delinquent Regulatory Assessment Fees, plus statutory penalties and interest, for the years 2008, 2009, 2012, 2013, and 2016. Specifically, staff recommends that the Utility be directed to pay its past due RAFs in the amount of \$2,279.75 for 2008, \$2,712.33 for 2009, \$2,634.08 for 2012, \$2,239.02 for 2013, and \$2,006.69 for 2016, including statutory interest and penalties in the amounts of \$2,963.68 for 2008, \$3,200.55 for 2009, \$2,159.95 for 2012, \$1,544.93 for 2013, and \$662.21 for 2016.

Alternative 2 Recommendation: No. The Commission should direct staff to initiate certificate revocation proceedings against Kincaid Hills Water Company consistent with Chapter 120 and Section 367.161, F.S.

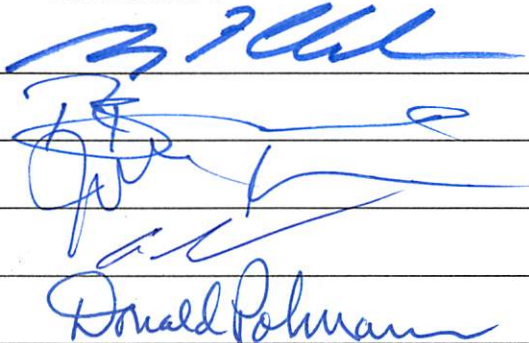
Alternative 2 is approved.

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING



Donald Polman

REMARKS/DISSENTING COMMENTS:

Docket No. 20170200-WU – Initiation of show cause proceedings against Kincaid Hills Water Company, in Alachua County, for noncompliance with Sections 350.113, 350.117, 367.121, and 367.145, Florida Statutes, and Rules 25-30.110, 25-30.120, 25-30.355, and 25-22.032, Florida Administrative Code.

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Issue 2: Should Kincaid Hills Water Company be ordered to show cause in writing, within 21 days, why it is not obligated to remit payment in the amount of \$14,376, in statutory penalties for failing to timely submit its Annual Reports for the years 2009, 2010, 2011, 2012, and 2013?

Recommendation:

Alternative 1 Recommendation: Yes. Kincaid Hills Water Company should be ordered to show cause in writing, within 21 days, why it is not obligated to remit payment in the amount of \$14,376, in statutory penalties for failing to timely submit its Annual Reports for the years 2009, 2010, 2011, 2012, and 2013.

Alternative 2 Recommendation: No. The Commission should direct staff to initiate certificate revocation proceedings against Kincaid Hills Water Company consistent with Chapter 120 and Section 367.161, F.S.

Alternative 2 is approved.

Issue 3: Should Kincaid Hills Water Company be ordered to show cause in writing, within 21 days, why it is not obligated to remit payment in the amount of \$750 in statutory penalties, respond to the customer complaints submitted on October 13, 2016, March 30, 2017, and May 8, 2017, and to provide a written response to Commission staff on each complaint?

Recommendation:

Alternative 1 Recommendation: Yes. Kincaid Hills Water Company should be ordered to show cause in writing, within 21 days, why it is not obligated to remit payment in the amount of \$750 in statutory penalties, respond to the customer complaints submitted on October 13, 2016, March 30, 2017, and May 8, 2017, and to provide a written response to Commission staff on each complaint. Specifically, staff recommends that the Utility be directed to pay a statutory penalty in the amount of \$250 for failing to respond to a customer complaint dated October 13, 2016, a statutory penalty in the amount of \$250 for failing to respond to a customer complaint dated March 30, 2017, and a statutory penalty in the amount of \$250 for failing to respond to a customer complaint dated May 8, 2017.

Alternative 2 Recommendation: No. The Commission should direct staff to initiate certificate revocation proceedings against Kincaid Hills Water Company consistent with Chapter 120 and Section 367.161, F.S.

Alternative 2 is approved.

Docket No. 20170200-WU – Initiation of show cause proceedings against Kincaid Hills Water Company, in Alachua County, for noncompliance with Sections 350.113, 350.117, 367.121, and 367.145, Florida Statutes, and Rules 25-30.110, 25-30.120, 25-30.355, and 25-22.032, Florida Administrative Code.

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Issue 4: Should this docket be closed?

Recommendation: If the Commission orders Kincaid to show cause as to Issues 1, 2, and 3, and Kincaid timely responds in writing to the Order to Show Cause, this docket should remain open to allow for the appropriate processing of the response. If the Commission orders Kincaid to show cause as to Issues 1, 2, and 3, and Kincaid responds to the show cause order by remitting the fines, responding to the customer complaints, and providing a written response to Commission staff on each complaint, this show cause matter will be considered resolved, and the docket should be closed administratively. If the Commission orders Kincaid to show cause as to Issues 1, 2, and 3, and Kincaid does not remit payment, or does not respond to the Order to Show Cause, this docket should remain open to allow the Commission to pursue collection of the amounts owed by the Utility. Alternatively, if the Commission orders that a proceeding to revoke Kincaid's water certificate should be initiated, this docket should remain open until such a proceeding can be initiated.

APPROVED