

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Rolling Oaks) DOCKET NO. 850941-WS
 Utilities, Inc., for increased water) ORDER NO. 20573
 and sewer rates in Citrus County.) ISSUED: 1-9-89
)

The following Commissioners participated in the disposition of this matter:

KATIE NICHOLS, CHAIRMAN
 GERALD L. GUNTER

ORDER ACKNOWLEDGING RELINQUISHMENT OF STAY
 AND RELEASING CORPORATE UNDERTAKINGS

BY THE COMMISSION:

On June 13, 1986, Rolling Oaks Utilities, Inc. (Rolling Oaks or the Utility) filed the application for approval of increased water and sewer rates in Citrus County that has been the subject of this docket. On August 13, 1986, we suspended the proposed rates and granted an increase in water rates on an interim basis, subject to refund secured by a corporate undertaking. A customer service hearing was held on February 12 and 13, 1987.

We issued Order No. 17532 on May 8, 1987, setting final rates and requiring a partial refund of the interim water rates. In August, 1987, Rolling Oaks filed a Notice of Appeal with the First District Court of Appeals of Order No. 17532. The Utility also requested that the Commission stay Order No. 17532 pending the appeal. We granted the Utility the requested stay by Order No. 18221, issued September 30, 1987.

During the course of the appeal, the Utility filed notice of an index and pass-through increase in water and sewer rates, based on the rates authorized by Order No. 17532. The index and pass-through was processed via Docket No. 880435-WS and authorized by Orders Nos. 19293 and 19293-A.

Although the appeal process was not completed, the Utility decided to stop collecting the higher interim water rates and to begin collecting the rates approved in Order No. 17532, with the price index and pass-through increases included. This was done effective May 15, 1988. The Utility also began the refund process as required by Order No. 17532.

The First District Court of Appeals affirmed Order No. 17532 in an opinion issued July 13, 1988. A Motion for Rehearing and Request for Oral Argument was denied by the Court on October 19, 1988. Although the rates were reduced and the refund process begun earlier, in May, 1988, the Utility filed its formal Relinquishment of the Stay of Order No. 17532 on September 30, 1988. Although the Utility should have received our approval of its relinquishment of the Stay prior to its implementation of the approved lower final water rates and its initiation of the refund process set out in Order No. 17532, we hereby acknowledge the Utility's relinquishment of the Stay.

Order No. 17532 required that the Utility make refunds for water service pursuant to Rule 25-30.360, Florida Administrative Code, which requires that with the final refund report filed, the Utility shall suggest a method for disposing

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of any unclaimed refunds. We have verified that the required refunds have been made. The total amount refunded was \$91,396.54. However, unclaimed refunds in the amount of \$160.08 remain outstanding. The Utility has suggested that it hold the unclaimed refunds for one year at which time it would credit the remaining unclaimed balance to Contributions-in-Aid-of-Construction. This method is consistent with our established policy regarding disposition of unclaimed refunds and, therefore, we approve it.

The Utility filed corporate undertakings to guarantee both the initial interim water rates and the subsequent interim rates pending the appeal of Order No. 17532. Since we have verified that the Utility has completed the required refunds, we authorize the release of the Utility's corporate undertakings.

Order No. 17532 penalized the Utility 25 basis points because of unsatisfactory quality of service. We required the Utility to file monthly reports for twelve months regarding customer complaints, specifying who complained, what the complaint was about, and how the complaint was resolved. Because of its uncertainty as to when this requirement of Order No. 17532 was effective, the Utility has not yet complied. Therefore, we hereby direct the Utility to file the required reports with our Staff for the next twelve months following the effective date of this Order. Our Staff shall monitor the Utility's quality of service by reviewing these reports and, if appropriate, take further action in a new docket. This docket shall be closed upon the issuance of this Order.

Based on the foregoing, it is therefore

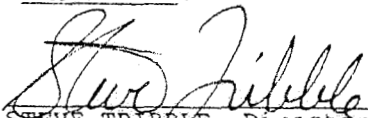
ORDERED by the Florida Public Service Commission that the Relinquishment of Stay of Order No. 17532, filed by Rolling Oaks Utilities, Inc., on September 30, 1988, is hereby acknowledged. It is further

ORDERED that Rolling Oaks Utilities, Inc., shall hold the \$160.08 in unclaimed refunds remaining from the refund required by Order No. 17532 for one year, at which time the Utility shall credit any remaining balance to its Contributions-in-Aid-of-Construction. It is further

ORDERED that Rolling Oaks Utilities, Inc., is authorized to release the corporate undertakings it issued to secure the refund of the interim water rates approved in this matter. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission,
this 9th day of JANUARY, 1989.


STEVE TRIBBLE, Director
Division of Records and
Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.