

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Disposition of) DOCKET NO. 941096-WS
unreclaimed refunds of gross-up) ORDER NO. PSC-94-1443-FOF-WS
on collected contributions-in-) ISSUED: November 23, 1994
aid-of-construction (CIAC) for)
1987, 1989 and 1990 by PALM)
COAST UTILITY CORPORATION in)
Flagler County)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER AUTHORIZING UNCLAIMED REFUNDS OF GROSS-UP ON COLLECTED
CONTRIBUTIONS-IN-AID-OF-CONSTRUCTION TO BE CREDITED TO
CONTRIBUTIONS-IN-AID-OF-CONSTRUCTION

BY THE COMMISSION:

BACKGROUND

On August 11, 1994, Palm Coast Utility Corporation (Palm Coast the Utility) requested that this Commission permit it to treat unclaimed refunds of gross-up on contributions-in-aid-of-construction (CIAC) collected in 1987, 1989 and 1990 as cash CIAC, or, in the alternative, that this Commission provide it with appropriate advice concerning the disposition of the unclaimed refunds.

Palm Coast is a Class A utility, which is a wholly-owned subsidiary of the ITT Corporation. The Utility provides water and wastewater services to the community of Palm Coast and part of Flagler County known as the Hammock. Based on its 1993 annual report, the Utility served approximately 13,491 water and 9,138

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wastewater customers at the end of December 1993. Gross operating revenues were reported as \$5,844,210 for the water system and \$2,673,211 for the wastewater system. Net operating income was reported as \$343,461 for the water system and \$758,876 for the wastewater system.

In Order No. PSC-92-0682-FOF-WS, issued in Docket No. 930267-WS on July 21, 1992, we required Palm Coast to refund a total of \$1,104,071 in CIAC gross-up on CIAC collected in the fiscal years ended December 31, 1987, 1989, and 1990. On November 9, 1992, Palm Coast implemented the refund and, as of the November 8, 1994 Agenda Conference, \$15,543, or 1.4%, of the ordered refunds remain unclaimed.

DISPOSITION OF UNCLAIMED REFUNDS

Palm Coast implemented the CIAC gross-up refund as we ordered in our July 21, 1992 Order and submitted copies of its daily check registers to the Commission on November 9, 1992. The Utility has provided a list of each refund check remaining unclaimed, with the name of the contributor and the amount of the refund included, stating that it mailed the refund checks to the last known mailing address of each contributor. We had required the Utility to complete the refunds within six months and submit to this Commission copies of cancelled checks, credits applied to monthly bills, or other evidence to verify that the refunds had been made. The amount of the unclaimed refunds for each of the years in question is \$6,103 for 1987, \$6,636 for 1989, and \$2,804 for 1990.

We find that the Utility shall be allowed to credit cash CIAC in the amount of \$15,543 in unclaimed refunds. Of this amount, \$5,334 shall be allocated to the water system and \$10,209 shall be allocated to the wastewater system, based on the ratio of water service availability charges to wastewater service availability charges in the Utility's approved tariff.

Based on the foregoing, it is therefore

ORDERED that Palm Coast Utility Corporation shall be allowed to treat \$15,543 of unclaimed refunds of gross-up on contributions-in-aid-of-construction collected in the years 1987, 1989 and 1990 as cash contributions-in-aid-of-construction. It is further

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ORDERED that the Palm Coast Utility Corporation, of the \$15,543 of unclaimed refunds of gross-up on contributions-in-aid-of-construction collected in the years 1987, 1989 and 1990 hereby allowed to be treated as cash contributions-in-aid-of-construction, shall allocate \$5,334 to the water system and \$10,209 to the wastewater system.

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission, this 23rd day of November, 1994.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Hynes
Chief, Bureau of Records

(S E A L)

CJP

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 and wastewater 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.