

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 940865-WU
Authority to Gross Up) ORDER NO. PSC-96-0244-FOF-WU
Contributions-in-Aid-of-) ISSUED: February 20, 1996
Construction (CIAC) in Escambia)
County by The Peoples Water)
Service Company)
_____)

The following Commissioners participated in the disposition of this matter:

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

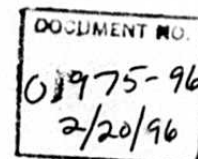
ORDER ALLOWING UNCLAIMED REFUNDS TO BE CREDITED TO CIAC
AND CLOSING DOCKET

BY THE COMMISSION:

The Peoples Water Service Company of Florida, Inc. (Peoples or utility) is a Class A utility providing water service to the public in Escambia County. As of December 31, 1994, the utility served 7,851 customers. For 1994, the utility reported gross operating revenues of \$2,232,814 and net operating income of \$457,587.

On December 3, 1991, the Board of County Commissioners of Escambia County adopted a resolution declaring all water and wastewater utilities within its boundaries to be subject to the jurisdiction of this Commission. By Order No. PSC-92-0866-FOF-WU, issued August 25, 1992, we granted Peoples a certificate pursuant to Section 367.171, Florida Statutes, to provide water service in Escambia County. In that order, we approved Peoples' existing rates and charges as Escambia County had established them, with the exception of the gross-up charges on contributions-in-aid-of-construction (CIAC). In the same order, we removed the CIAC gross-up charges from the utility's tariff and advised the utility to submit a separate filing for gross-up authority.

On August 19, 1994, Peoples filed an application for initial authority to gross up CIAC. By Order No. PSC-94-1355-FOF-WU, issued November 7, 1994, we allowed the utility's proposed tariff



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to become effective by operation of law after October 18, 1994, on an interim basis, subject to refund.

By Order No. PSC-95-0478-FOF-WU, issued June 21, 1995, we denied People's request for final gross-up authority and required the utility to refund to contributors with interest all CIAC gross-up collected in the period beginning August 25, 1992, to May 30, 1995, including unauthorized collections in the period August 25, 1992, to October 18, 1994. We required the utility to make the refunds by December 21, 1995.

On July 15, 1995, Peoples began implementing the refund by mailing payment checks. On September 15, 1995, and on October 30, 1995, the utility filed refund reports along with copies of cancelled refund checks. On November 15, 1995, Peoples filed its final refund report. To date, only one check totaling \$705.58 has been returned to the company as undeliverable. In its effort to complete the refund, Peoples mailed the refund check to the last known mailing address and tried to make telephone contact with the intended recipient. Peoples states that there is no telephone listing for this recipient and that it believes it is no longer in business. The Secretary of State has confirmed that the recipient, SGP Associates, has been dissolved. The unclaimed check represents less than 1% of the refunds ordered.

According to the utility's 1994 annual report, the utility is 15.83% contributed. Therefore, we find it appropriate to allow Peoples to credit CIAC in the amount of \$705.58. Further, Peoples shall be required to honor the remaining refund claim within twelve months following the date of issuance of this Order. If the refund is made within this period, the utility's CIAC account shall be reduced accordingly.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that The Peoples Water Service Company shall be allowed to credit contributions-in-aid-of-construction in the amount of unclaimed refunds, to the extent set forth in the body of this Order. It is further

ORDERED that this docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 20th
day of February, 1996.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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/or 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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.