

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date 10/3/96

Docket No. 96196-WS

1. Division Name/Staff Name Water & Wastewater/Gilchrist
2. OPR WAW
3. OCR IEG
4. Suggested Docket Title Request for variance from Order No. PSC-96-1180-FOF-WS by Rolling Oaks Utilities, Inc. in Citrus county.

5. Suggested Docket Mailing List (attach separate sheet if necessary)

- A. Provide NAMES ONLY for regulated companies or ACRONYMS ONLY regulated industries, as shown in Rule 25-22.104, F.A.C.
- B. Provide COMPLETE name and address for all others. (Match representatives to clients.)

1. Parties and their representatives (if any)

Mr. F. Marshall Deterding, Atty.

Rose, Sundstrom & Bentley

Post Office Box 1567

Tallahassee, FL 32302-1567

2. Interested Persons and their representatives (if any)

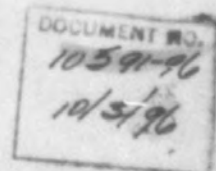
6. Check one:

Documentation is attached.

Documentation will be provided with recommendation.

I:\PSC\RAR\WP\ESTDKT.

PSC/RAR 10 (Revised 01/96)



LAW OFFICES
ROSE, SUNDSTROM & BENTLEY

A PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

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RECEIVED

SEP 30 1996

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September 30, 1996

VIA HAND DELIVERY

Charles H. Hill, Director
Division of Water & Wastewater
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida

Re: Rolling Oaks Utilities, Inc.; PSC Docket No. 960965-WS
Cancellation of Authority to Gross-up CIAC
Our File No. 16622.13

Dear Mr. Hill:

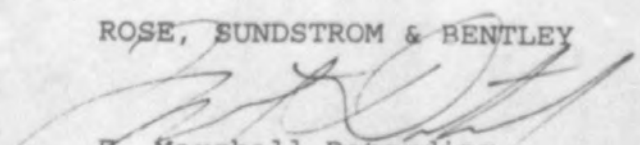
I am in receipt of your letter of September 26, 1996. In response to your question, we understand that the order did not authorize the type of delay in refund that we propose. However, it was our expectation that our request for "variance" would require that this matter go back before the Commission in any case and as such, we felt that the matter could be taken up at that time. It certainly makes more sense in my mind for the Utility to refund all gross-up monies together rather than in two separate refunds, thereby increasing the overall costs, if it can be reasonably accomplished in that manner.

Therefore, while I would agree with you as to what the order requires, we still request that the Staff take before the Commission, our proposal with a positive recommendation to allow the refunds of those post-June 12th monies to be accomplished with all other refunds of gross-up monies to avoid the additional cost and confusion of a separate refund. If on the other hand, the variance request will not be taken before the Commission, then we do not request that the request to delay the refunds be brought up separately.

If you have any further questions in this regard, please let me know.

Sincerely,

ROSE, SUNDSTROM & BENTLEY


F. Marshall Deterding
For The Firm

FMD/lts
cc: Mr. Dale Miller

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



DIVISION OF WATER &
WASTEWATER
CHARLES HILL
DIRECTOR
(904) 413-6900

Public Service Commission

September 26, 1996

Mr. F. Marshall Deterding
Rose, Sundstrom & Bentley
Post Office Box 1567
Tallahassee, FL 32302-1567

Re: Docket No. 960965-WS- Cancellation of Rolling Oaks Utilities' Authority to
Gross-up CIAC

Dear Mr. Deterding:

We received your correspondence of September 5, 1996 regarding the cancellation of Rolling Oak's authority to Gross-up CIAC. In your letter, you indicated that the utility is agreeable to refunding gross-up monies collected since June 12, 1996. However, you indicated that you would prefer to do this along with the general report to the Commission on gross-up collections for the entire year rather than piecemeal.

Order No. PSC-96-1180-FOF-WS, issued September 20, 1996, requires the utilities to refund the gross-up to those who paid it within 60 days of the date the proposed agency action portion of the order becomes final. Further, that Order required each utility to provide copies of canceled checks, or other evidence, verifying that the refunds have been made, within 30 days from the date of the refund.

Therefore, it does not appear that the Commission authorized the refund to be accomplished in the manner suggested. If you do not agree with this interpretation, please advise my staff immediately, and we will take the matter before the Commission.

Letter to Mr. Deterding
September 26, 1996
Page 2

If I can be of any further assistance or should you have any questions in this regard,
please let me know.

Sincerely,



Charles Hill
Director

cc: Division of Water and Wastewater (Gilchrist)
Division of Legal Services (Jaeger)