

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

DATE: May 19, 1997

RE: DOCKET NO. 961077-SU - Disposition of gross-up funds collected by Eagle Ridge Utilities, Inc. in Lee County.

Issue 1: Should the Commission accept Eagle Ridge Utilities, Inc.'s settlement proposal of April 23, 1997 for the disposition of gross-up funds collected?

Recommendation: Yes, the Commission should accept Eagle Ridge's settlement proposal of April 23, 1997 for the disposition of gross-up funds collected. Based on acceptance of the settlement proposal, staff recommends that \$3,851 and \$2,517 of accounting and legal fees for 1993 and 1994, respectively, be offset against the calculated refunds for those years. As a result, staff recommends that the utility be ordered to refund \$10,738 for 1993 and \$3,138 for 1994, plus accrued interest through the date of the refund, for gross-up collected in excess of the above-the-line tax liability resulting from the collection of taxable CIAC. According to Orders Nos. 16971 and 23541, all

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COMMISSIONERS ASSIGNED: CL DS GR

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures: Joe Z...
Susan J. Clark
J. Terry...

REMARKS/DISSENTING COMMENTS:

PSC/RAR33 (5/90)

DOCUMENT NUMBER-DATE

04989 MAY 1997

FPSC-RECORDS/REPORTING

Vote Sheet
Docket No. 961077-SU
May 19, 1997

(Continued from previous page)

Issue 1: (Continued)

amounts should be refunded on a pro rata basis to those persons who contributed the taxes. The refunds should be completed within 6 months of the effective date of the order. Within 30 days from the date of the refund, the utility should submit copies of cancelled checks, credits applied to the monthly bills or other evidence that verifies that the utility has made the refunds. Within 30 days from the date of the refund, the utility should also provide a list of unclaimed refunds detailing contributor and amount, and an explanation of the efforts made to make the refunds.

APPROVED

Issue 2: Should the docket be closed?
Recommendation: No. Upon expiration of the protest period, this docket should remain open pending staff's verification of refunds. Staff should be given administrative authority to close the docket upon verification that the refunds have been completed.

APPROVED