

VOTE SHEET

SEPTEMBER 9, 1997

RE: DOCKET NO. 931065-WS - Disposition of contributions-in-aid-of-construction (CIAC) funds received by MARTIN DOWNS UTILITIES, INC. in Martin County during 1990, 1991, 1992, and 1993.

Issue 1: Should Martin Downs Utilities, Inc. be required to refund excess CIAC gross-up collections for the period October 1, 1989 through August 12, 1993?

Recommendation: Yes, the utility should refund \$54,425 which consists of \$32,361 for the fifteen-month period ending December 31, 1990 and \$22,064 for fiscal year 1991 plus accrued interest through the date of the refund, for gross-up collected in excess of the tax liability resulting from the collection of CIAC. In accordance with Orders Nos. 16971 and 23541, all amounts should be refunded on a pro rata basis to those persons who contributed the taxes. The refund should be completed within six months of the effective date of the Order. The utility should submit copies of canceled checks, credits applied to monthly bills or other evidence which verifies that the refunds have been made, within 30 days from the date of the refund. Within 30 days from the date of the refund, the utility also should provide a list of unclaimed refunds detailing contributor and amount, and an explanation of the efforts made to make the refunds. Further, the utility should deliver any unclaimed refunds to the State of Florida Comptroller's Office as abandoned property. The unclaimed refunds should be delivered to the Comptroller's office following staff's written notification to the utility that the refunds have been made in accordance with the Commission's Order. No refund is necessary for 1992 and 1993, because the utility did not collect any CIAC. In addition, because the utility has been dissolved, a copy of the Order requiring refunds should be sent to Steve Fry, the representative of MDU, and MDU's last known counsel

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners: [Signature 1], [Signature 2], [Signature 3], [Signature 4], [Signature 5]

Four horizontal lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

09121 SEP 10 5

FPSC-RECORDS/REPORTING

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of record, F. Marshall Deterding. Also, a copy should be sent to the directors at their last known address.

**APPROVED**

Issue 2: Should the docket be closed?

Recommendation: No. Upon expiration of the protest period, if a timely protest is not filed by a substantially affected person, the docket should remain open pending verification of the refund. Staff should be granted administrative authority to close the docket upon verification that the refunds have been made.

**APPROVED**