

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Refund of excess 1989 earnings)	DOCKET NO. 900178-TL
by QUINCY TELEPHONE COMPANY. )	ORDER NO. 23145
_____ )	ISSUED: 7-3-90

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
 THOMAS M. BEARD  
 BETTY EASLEY  
 GERALD L. GUNTER

NOTICE OF PROPOSED AGENCY ACTIONORDER REQUIRING REFUND

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

BACKGROUND

By Order No. 21043, issued April 13, 1989, we accepted Quincy Telephone Company's proposal to reduce its 1989 earnings by eliminating zone charges and refunding any additional earnings for 1989 in excess of a 14.3% return on equity (ROE).

The 1989 surveillance report filed by the Company indicates excess revenue above 14.3% ROE of \$168,002. Based on our preliminary review of the surveillance report, we do not find adjustments necessary at this time. However, we do find a refund in the amount of \$168,002 to be appropriate at this time. Upon the addition of interest in the amount of \$15,190, the total amount that shall be refunded is \$183,192.

The refund shall be made in the form of checks to residential and business customers of record during the next feasible billing cycle in the same proportion as the various local exchange rates bear to each other.

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This docket shall remain open until the Company refunds the money and files a report with this Commission verifying the actual amount refunded. The Company is also required to file a final 1989 surveillance report based on its final 1989 separations cost study which is to be completed by June 30, 1989. We shall also address, in this docket, the results of our final audit and any issues which the Office of Public Counsel may raise regarding the final amount of the 1989 true-up, if any.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Quincy Telephone Company shall refund \$168,002 plus \$15,190 in interest to its customers as set forth in the body of this Order. It is further

ORDERED that the provisions of this Order are issued as proposed agency action and shall become final unless a petition in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director of the Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on July 24, 1990. It is further

ORDERED that, if no protest is received within the 21 day protest period set out in the Notice of Further Proceedings below, this docket shall be closed. It is further

ORDERED that this docket shall remain open to verify the refund and to determine final amount of 1989 true-up, if any.

By ORDER of the Florida Public Service Commission, this 3rd day of JULY, 1990.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

SFS

by: Kay Flynn  
Chief, Bureau of Records

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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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on July 24, 1990.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer 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 of the effective date 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.