

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Disposition of unclaimed) DOCKET NO. 950208-WS
refunds of gross-up on) ORDER NO. PSC-95-0465-FOF-WS
contributions-in-aid-of-) ISSUED: April 11, 1995
construction (CIAC) collected by)
Southern States Utilities, Inc.,)
in Clay, Citrus, Duval, Lake,)
Marion, Martin, Orange, Osceola,)
Putnam, and Seminole Counties.)
_____)

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 AUTHORIZING UNCLAIMED REFUNDS OF GROSS-UP ON COLLECTED
CONTRIBUTIONS-IN-AID-OF-CONSTRUCTION TO BE CREDITED TO
CONTRIBUTIONS-IN-AID-OF-CONSTRUCTION

BY THE COMMISSION:

BACKGROUND

Southern States Utilities, Inc., and Deltona Utilities, Inc. (hereinafter referred to as the utility or SSU), are collectively a Class A water and wastewater utility operating in various counties in the State of Florida. In Order No. 23541, issued October 1, 1990, in Docket No. 860184-PU, the Commission determined that any water and wastewater utility already collecting the gross-up on contributions-in-aid-of-construction (CIAC) and wishing to continue collecting the gross-up, had to file a petition for approval with the Commission on or before October 29, 1990. SSU, for its systems in Citrus, Clay, Duval, Lake, Marion, Martin, Orange, Osceola, Pasco, Putnam, and Seminole Counties, did not request authority to continue to gross-up CIAC for the related tax impact. Therefore, by Order No. 24791, issued July 10, 1991, in Docket No. 910572-WS, the Commission canceled the utility's authority to gross-up, and the utility is no longer authorized to collect the gross-up on CIAC.

In compliance with Order No. 16971, issued December 18, 1986, in Docket No. 860184-PU, SSU filed its 1987 through 1991 annual

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FPSC-RECORDS/REPORTING

CIAC reports regarding its collection of gross-up for each year. Order No. PSC-92-1358-FOF-WS, issued November 23, 1992, in Docket No. 920634-WS, required the utility to refund a total of \$1,431,883, plus accrued interest through the date of refund to contributors on a pro rata basis. The refund was \$153,491 for 1987; \$73,823 for 1988; \$410,210 for 1989; and \$794,359 for 1990. The utility had six months to complete the refund. The utility has completed the refunds and to date, \$43,662 of the refunds remain unclaimed.

DISPOSITION OF UNCLAIMED REFUNDS

In accordance with Order No. PSC-92-1358-FOF-WS, SSU implemented the refund and submitted copies of its refund report to the Commission. By letters dated March 10, and April 4, 1994, SSU provided copies of cancelled refund checks and/or customer credits reflecting refund amounts. By correspondence dated July 19, 1994, SSU requested that the CIAC refunds which remain outstanding be treated as CIAC. SSU has provided a listing of the plants that are to receive the CIAC credit and the appropriate amount for each water and wastewater division. SSU reported that the unclaimed refund total is \$43,662, including \$10,112 in interest. The unclaimed refunds represent 3.04% of the refunds ordered.

SSU has provided us a list of each individual check, payee and amount remaining unclaimed. SSU has also provided us an explanation of its efforts undertaken to complete the refund, including:

- 1) Reaffirming the accuracy of recipient names and addresses;
- 2) Contacting the Mid-Florida Contractors Association for assistance in locating recipients who may be members of the Association, and placing an advertisement in the Association's newsletter (circulation 7,500);
- 3) Contacting the North Florida Contractors Association for assistance in locating recipients who may be members of the Association, and placing an advertisement in the Association's newsletter;
- 4) Contacting the recipient's attorney when attorney name was contained in utility's files; and
- 5) Contacting the Department of Business and Professional Regulation and the Department of State in Tallahassee.

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SSU mailed the refund checks to the last known mailing address of each contributor. Further, SSU advised that most of the checks still outstanding are payable to developers and customers, but the information to process the remaining refunds is sporadic.

According to the utility's 1993 annual report, the utility is 37.05% contributed for the water systems and 42.49% contributed for the wastewater systems. The Commission has allowed other utilities to credit CIAC accounts with the amount of unclaimed refunds of gross-up on CIAC. See, e.g., Order No. PSC-94-1443-FOF-WS, issued November 23, 1994, in Docket No. 941096-WS; Order No. PSC-92-1290-FOF-WS, issued November 10, 1992, in Docket No. 901019-WS. In consideration of the foregoing, we hereby authorize SSU to credit CIAC in the amount of \$43,662 in unclaimed refunds. This amount shall be allocated \$22,366 to water and \$21,296 to wastewater. In the event that any of the affected contributors claim their refunds in the future, each subsequent refund shall be accompanied by an appropriate reduction to the CIAC account. There being no further action required in this docket, this docket shall be closed.

Based on the foregoing, it is therefore

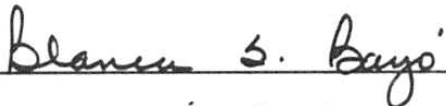
ORDERED by the Florida Public Service Commission that Southern States Utilities, Inc., and Deltona Utilities, Inc., shall be allowed to treat \$43,662 of unclaimed refunds of gross-up on contributions-in-aid-of-construction collected in the years 1987, 1988, 1989, and 1990, as cash contributions-in-aid-of-construction. It is further

ORDERED that of the \$43,662 of unclaimed refunds of gross-up on contributions-in-aid-of-construction collected in the years 1987, 1988, 1989, and 1990, hereby allowed to be treated as cash contributions-in-aid-of-construction, Southern States Utilities, Inc., and Deltona Utilities, Inc., shall allocate \$22,366 to water systems and \$21,296 to wastewater systems. It is further

ORDERED that this docket be closed.

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By ORDER of the Florida Public Service Commission, this 11th
day of April, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

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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.

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 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.