

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Disposition of) DOCKET NO. 930216-WS
contributions-in-aid-of-) ORDER NO. PSC-95-0508-FOF-WS
construction (CIAC) gross-up) ISSUED: April 25, 1995
funds received by GULF UTILITY)
COMPANY in Lee County.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON
JULIA L. JOHNSON

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

Gulf Utility Company (Gulf or utility) is a Class A utility which provides water and wastewater service to approximately 5,938 water and 1,721 wastewater customers in Lee County. According to its 1993 annual report, gross operating revenues were \$1,868,964 for the water system and \$952,577 for the wastewater system. Net operating income was \$484,758 for water and \$272,228 for wastewater.

By Order No. PSC-93-0871-FOF-WS, issued in Docket No. 930216-WS on June 9, 1993, the Commission required Gulf to refund a total of \$253,138 in contributions in aid of construction (CIAC) gross-up for the fiscal years ended December 31, 1987, 1988, 1989, 1990 and 1991. On April 22, 1994, Gulf began implementing the refund and, to date, \$789.73 of the refunds remain unclaimed.

DISPOSITION OF UNCLAIMED REFUNDS

By correspondence dated April 20, 1994, Gulf informed the Commission that beginning April 22, 1994, the utility would begin refunding excess CIAC tax collected in compliance with Order No. PSC-93-0871-FOF-WS. Further, the utility indicated that because of the length of time that had passed, there were several specific situations where they could not determine who, if anyone, was entitled to the refund. These instances involved bankruptcy, dissolution of corporate entities, changes in corporate ownership,

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and the like. In these case, the utility stated that it would notify all known parties who could be beneficiaries and explain the circumstances and ask them to provide supporting documentation if they believed they were entitled to the refund in question.

Gulf provided a 10% sampling of cancelled checks and a list of each individual check, payee and amount remaining unclaimed. Gulf indicated that numerous attempts were made to locate customers whose checks were returned in the mail. The total amount of unclaimed refunds is \$789.73, which represents .31% of the refunds ordered.

According to the utility's 1993 annual report, the utility was 72.62% contributed for the water system and 67.42% contributed for the wastewater system. Based on the foregoing, we find it appropriate to allow Gulf to credit CIAC in the amount of \$789.73 in unclaimed refunds. Of this amount, \$467.99 shall be allocated to water and \$321.74 shall be allocated to wastewater, based on the ratio of water service availability charges to wastewater service availability charges. 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 Gulf Utility Company be allowed to treat \$789.73 of unclaimed refunds of gross-up on contributions in aid of construction collected in the year 1993, as cash contributions in aid of construction. It is further.

ORDERED that of the \$789.73 of unclaimed refunds of gross-up on contributions in aid of construction collected in the year 1993, hereby allowed to be treated as cash contributions in aid of construction, Gulf Utility Company, shall allocate \$467.99 to water systems and \$321.74 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 25th
day of April, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Ferguson
Chief, Bureau of Records

(S E A L)

LAJ

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.