

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Disposition of gross-up
funds collected by Eagle Ridge
Utilities, Inc. In Lee County

DOCKET NO. 970121-SU
ORDER NO. PSC-98-0318-FOF-SU
ISSUED: February 23, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

ORDER AUTHORIZING CREDIT TO CONTRIBUTIONS-IN-AID-OF-CONSTRUCTION
ACCOUNT FOR UNCLAIMED REFUNDS AND CLOSING DOCKET

BY THE COMMISSION:

BACKGROUND

Eagle Ridge is a Class B wastewater utility providing service to 606 customers in Lee County. According to its 1996 annual report, the utility reported operating revenues of \$374,953 and net operating income of \$15,030.

By Order No. PSC-97-0329-FOF-SU, issued on March 25, 1997, we required Eagle Ridge Utilities, Inc. (Eagle Ridge), to refund a total of \$1,131 in contributions-in-aid-of-construction (CIAC) gross-up for the fiscal year ended December 31, 1995. On November 17, 1997, Eagle Ridge implemented the refund.

UNCLAIMED REFUNDS

In compliance with Order No. PSC-97-0329-FOF-SU, Eagle Ridge implemented the refund and provided us with copies of the canceled checks. However, two checks, in the amount of \$11.85 each, representing 2.1 percent of the refunds ordered, were not claimed. By correspondence dated January 7, 1998, Eagle Ridge has requested that it be allowed to treat the unclaimed refunds as cash CIAC.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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Eagle Ridge has provided a list of each individual check, payee and amount remaining unclaimed. Also, Eagle Ridge has advised our staff that it mailed the refund checks to the last known mailing address of each contributor. Further, Eagle Ridge states that both checks, in the amount of \$11.85, were undeliverable because both businesses have closed, one due to death.

According to the utility's 1996 annual report, the utility is 92.97 percent contributed, which is in excess of the 75 percent maximum amount of the contribution level established by Rule 25-30.580(1)(a), Florida Administrative Code. While the utility appears to be overcontributed, the \$23.70 increase in CIAC is not material, and the contribution level will remain at 92.97 percent. Based on the foregoing, we find that Eagle Ridge shall be allowed to credit CIAC in the amount of \$23.70 in unclaimed refunds.

CLOSING OF DOCKET

There is no further action to be taken in this docket, and the docket shall be closed.

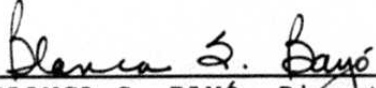
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request of Eagle Ridge Utilities, Inc., to credit its contributions-in-aid-of-construction account in the amount of \$23.70 for unclaimed refunds shall be granted. It is further

ORDERED that this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 23rd
day of February, 1998.



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 120.569(1), 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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

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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.