

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for a rate) DOCKET NO. 900329-WS
increase in Citrus, Martin,) ORDER NO. PSC-93-0850-FOF-WS
Marion, and Charlotte/Lee) ISSUED: June 7, 1993
Counties by Southern States)
Utilities, Inc.; in Collier)
County by Marco Island Utilities)
(Deltona) and Marco Shores)
(Deltona); in Marion County by)
Marion Oaks Utilities (United)
Florida); and in Washington)
County by Sunny Hills Utilities)
(United Florida).)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK

FINAL ORDER APPROVING PROPOSAL FOR
DISPOSITION OF UNCLAIMED REFUNDS

BY THE COMMISSION:

Southern States Utilities, Inc. (SSU), Deltona Utilities, Inc. (DUI), and United Florida Utilities Corporation (UFUC), collectively referred to as "utility", owned and operated numerous water and wastewater systems across the State of Florida. On July 13, 1990, the utility filed a petition for rate relief and its minimum filing requirements (MFRs). The official date of filing was established as October 15, 1990, after the utility corrected deficiencies in the MFRs.

By Order No. 23860, issued December 11, 1990, this Commission suspended the utility's proposed rates and granted interim rates. The interim rates were calculated by applying a county-wide uniform percentage increase to the current rates for each system in a county. Interim rates were secured by corporate undertakings totaling \$1,248,083, whereby each entity, SSU, DUI, and UFUC guaranteed the corporate undertaking of the other two.

By Order No. 24715, issued June 26, 1991, this Commission denied the utility's rate request and ordered a refund. By Order No. 25122, issued September 26, 1991, the utility's Motion for Reconsideration, Motion for Stay, and Motion for Leave to File

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Reply to Citizens' Response to Motion for Reconsideration were denied.

On October 28, 1991, the utility filed a Notice of Appeal and a Motion for Stay of Portion of Order No. 24715. By Order No. 25422, issued December 6, 1992, the Commission granted the utility's request for a stay, and required the utility to provide letters of credit or bonds for \$2,859,889 or, in the alternative, to provide letters of credit or bonds for the \$1,248,083 in interim revenues previously collected (which were secured by a corporate undertaking) and to place in escrow all future interim revenues collected. The utility elected to file an irrevocable letter of credit for \$2,859,889 as security.

By per curiam opinion filed July 16, 1992, in Case No. 91-3500, the First District Court of Appeal affirmed Order No. 24715.

The utility filed its proposed plan for refund of interim rates on October 21, 1992. The plan specified that the refund would be calculated from the implementation of the interim rates on November 28, 1990, through the termination of the interim rates on September 17, 1992. Pursuant to Rule 25-30.360, Florida Administrative Code, the utility has filed periodic refund reports, and on April 1, 1993, the utility filed its final report and its Request for Approval of Proposal for Disposition of Unclaimed Refunds. The utility's request states that of the \$2,719,413.63 of interim rate revenues to be refunded, the actual amount refunded from November of 1992 through February of 1993 is \$2,631,588.74. The Final Refund Report also reflects that the total unclaimed refund amount is \$50,172.38.

The utility provided a breakdown of the refund by the three operating companies, as they existed at the beginning of the case prior to their merger. The refund is also broken down by amount per system. Supporting papers showing reconciliations for various adjustments, as well as actual customer listings with specific notes, were also submitted. The utility has refunded 96.8 percent of the total amount to be refunded. The unclaimed portion represents 1.9 percent of the total amount.

The utility has requested that the unclaimed refunds be credited to contributions-in-aid-of-construction (CIAC) accounts by assigning the total amount to specific systems based on customers directly attributable to each system. The utility proposes to honor any remaining refund claim submitted to SSU within twelve

months following the date of issuance of this order. Each refund made within the twelve-month period would reduce the CIAC account of the appropriate system.

Based on our review of the utility's final report, we find that it conforms with the requirements of our rules. We also find the additional twelve-month period in which to honor any additional refund claims to be reasonable. Therefore, based on the foregoing, we approve the utility's proposal for disposition of unclaimed refunds and the termination of the obligation to maintain the letter of credit securing the refunds. In addition, we find it appropriate to require the utility to file a final report at the end of the twelve-month refund period indicating any and all additional adjustments to CIAC accounts by system within that period.

It is, therefore,

ORDERED by the Florida Public Service Commission that the request of Southern States Utilities, Inc., for approval of Proposal for Disposition of Unclaimed Refunds is hereby granted. It is further

ORDERED that Southern States Utilities, Inc., shall file a final refund report at the end of the additional twelve-month refund period as described in the body of this Order. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 7th day of June, 1993.


STEVE TRIBBLE, Director
Division of Records and Reporting

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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 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 after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.