

VOTE SHEET

DATE: May 19, 1997

RE: DOCKET NO. 961006-WS - Disposition of gross-up funds collected by Hydratech Utilities, Inc. in Martin County.

Issue 1: Should the Commission accept Hydratech Utilities, Inc.'s settlement proposal of April 23, 1997 for the disposition of gross-up funds collected?

Recommendation: Yes, the Commission should accept Hydratech Utilities, Inc.'s settlement proposal of April 23, 1997 for the disposition of gross-up funds collected. The settlement proposal encompassed the years 1993 and 1994. Based on acceptance of the settlement offer, staff recommends that \$340 and \$4,966 of accounting and legal fees for 1993 and 1994, respectively, be offset against the calculated refunds for those years. As a result, no refund is recommended for 1993. For 1994, the utility should be ordered to refund \$16,534, plus accrued interest through the date of the refund, for gross-up collected in excess of the above-the-line tax liability resulting from the collection of taxable CIAC.

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COMMISSIONERS ASSIGNED: CL DS GR

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures: James, Susan Clark, J. Tom Dean]

REMARKS/DISSENTING COMMENTS:

(Continued from previous page)

Issue 1: (Continued)

According to Orders No. 16971 and 23541, all amounts should be refunded on a pro rata basis to those persons who contributed the taxes. The refunds should be completed within 6 months of the effective date of the order. Within 30 days from the date of the refund, the utility should submit copies of cancelled checks, credits applied to the monthly bills or other evidence that verifies that the utility has made the refunds. Within 30 days from the date of the refund, the utility should also provide a list of unclaimed refunds detailing contributor and amount, and an explanation of the efforts made to make the refunds. The refunds for 1991 and 1992 did not change as a result of the settlement proposal; therefore, pursuant to the calculation in PAA Order No. PSC-96-1352-POF-WB, issued November 18, 1996, no refund is required for 1991 and 1992.

APPROVED

Issue 2: Should the docket be closed?

Recommendation: No. Upon expiration of the protest period, this docket should remain open pending staff's verification of refunds. Staff should be given administrative authority to close the docket upon verification that the refunds have been completed.

APPROVED