

STATE OF FLORIDA

Commissioners:
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JOE GARCIA



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

ORIGINAL
FILE

Public Service Commission

July 22, 1997

Ms. Carolyn B. Andrews
Chief Financial Officer
Gulf Utility Company
Post Office Box 350
Estero, Florida 33928-0350

Re: Docket No. 97039-WS - Gulf Utility Company rate case

Dear Ms. Andrews:

On July 10, we received your letter and a check made payable to Gulf Utility Company in the amount of \$101,845.19. As explained in your letter, the check was to be signed by Ms. Bayó and returned so funds in that amount could be released from Gulf's escrow account to meet construction draw requests. We held the check in safekeeping until we could get advice from staff on handling. We have now learned that Gulf must file a petition for release of these funds. Based on that information, I am returning the unsigned check to you. Once Gulf's petition has been filed and ruled on by the Commission, we will take whatever action is necessary to effect release of the funds.

Please do not hesitate to call me if you have any questions on this matter.

Sincerely,

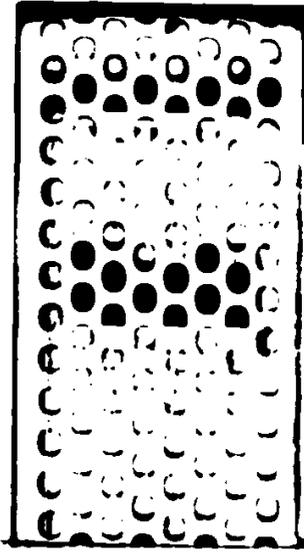
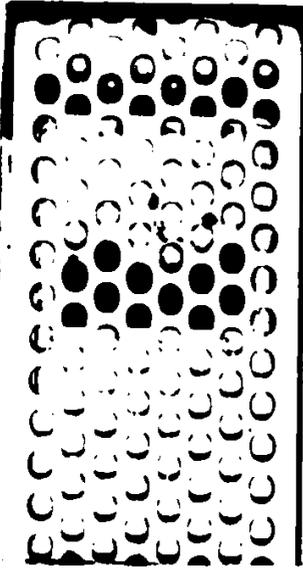
Kay Flynn, Chief
Bureau of Records

ACK _____
ATA _____

Enclosure

cc: Blanca S. Bayó
B. Kenneth Gatlin
Timothy Vaccaro
Marshall Willis

DOCUMENT NUMBER-DATE
07320 JUL 22 97
PSC-RECORDS/REPORTING



Gulf Utility Company and FPSC Escrow Account
 19910 S Tamiami Trail
 Estero, FL 33928-2114

Check No. 1
 63-147/670

July 7 19 97

PAY TO THE ORDER OF Gulf Utility Company \$ 101,845.19

One hundred one thousand eight hundred forty five dollars and 19/100----- DOLLARS

SUNTRUST
 SunTrust Bank, Southwest Florida
 Island Park Office
 Fort Myers, FL

FOR _____

Ramus W. Moore



From: Tim Vaccaro
To: Kay Flynn
Subject: fwd: Gulf check

---NOTE-----7/22/97--8:49am--
Marshall agreed that Gulf would have to file a petition requiring release of escrowed funds. Ken Gatlin said he'd file something with his motion for reconsideration. Therefore, you can send that check back in the interim.

Fwd-by:=Kay-Flynn-----7/22/97--8:54am--
Fwd to: Tim Vaccaro

.....
Would it be okay for me to state in my letter returning the check "based on advice from Commission staff" and "with the understanding Gulf will be submitting a petition for release of the funds"??

Fwd-by:=Tim-Vaccaro---7/22/97--9:13am--
Fwd to: Kay Flynn

.....
Perhaps it would be more accurate to say "Legal staff concurs with the Division of Records and Reporting's decision to return this check." The second part sounds fine as it is.

Fwd-by:=Kay-Flynn-----
Fwd to: Tim Vaccaro

.....
Will do. Thanks.

From: Kay Flynn
To: Linda Williams
Subject: 960329

===NOTE=====

CC:
Tim Vaccaro, Carol Purvis, Matilda
Sanders, Evelyn Sewell
.....

This is regarding the check we received from Gulf Utility on 7/10. Tim has advised me that Gulf will most likely have to petition the PSC for release of these funds. Based on that, I plan to return the check to the utility. However, Tim has asked me to wait until Monday (7/21) to take that action, so that he can talk with Marshall Willis. My main purpose in sending this e-mail is to advise that the check will be kept in our locked confidential file room until Monday. Let me know if questions. Kay

Public Service Commission

*From the Desk of
Blanca S. Bayó*

Date: July 10, 1997

To: Kay

Re: Do No. 960329 - Escrow Account Gulf Utility Company



Kay, copies of this letter have gone to Legal and the technical divisions. Please follow-up with staff regarding Gulf's request that I sign and return the check enclosed with their filing.

The check is in the Admin. vault --- Carol can tell you who has it.