

VOTE SHEET

FEBRUARY 3, 1998

RE: DOCKET NO. 980077-WU - Disposition of contribution-in-aid-of-construction gross-up funds collected by Lake Hills Utilities, Inc. in Lake County.

Issue 1: Should Lake Hills Utilities be required to refund excess gross-up collections for 1989 through 1995?

Recommendation: Yes. The utility should be ordered to refund \$5,814 for 1989, \$23,032 for 1990, \$3,479 for 1991, \$18,483 for 1992, \$15,689 for 1993, and \$53,384 for 1994, for a total of \$119,563 plus accrued interest through the date of refund, for gross-up collected in excess of the tax liability resulting from the collection of CIAC. The utility did not collect CIAC during 1995; therefore, no refund is due. In addition to the refund amount, the utility should refund accrued interest through the date of refund, for gross-up of CIAC collected in excess of the tax liability. In accordance with Orders Nos. 16971 and 23541, all refunds should be made on a pro rata basis to those persons who contributed the taxes. The refunds should be completed within six months. The utility should submit copies of canceled checks, credits applied to monthly bills, or other evidence which verifies that the refunds have been made, within 30 days from the date of refund. Within 30 days from the date of refund, the utility should also file a list of unclaimed refunds detailing contributor and amount, and an explanation of the efforts made to make the refunds.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures in the majority column, including one that appears to be 'Susan J. Clark'.

Four horizontal lines in the dissenting column, all of which are blank.

REMARKS/DISSENTING COMMENTS:

COMMISSIONER GARCIA PARTICIPATED IN THE VOTE VIA VIDEO TELECONFERENCE. IN HIS VOTE, HE: AGREED WITH THE MAJORITY / DISSENTED. COMMISSIONER GARCIA WILL SIGN THE ORIGINAL VOTE SHEET UPON HIS RETURN TO TALLAHASSEE.

DOCUMENT NUMBER 98-0077
01778 FEB-4-98
FPC RECORDS/REGISTRATION

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Issue 2: Should the docket be closed?

Recommendation: No. Upon expiration of the 21-day protest period, this docket should remain open pending verification of the refunds. Staff should be given administrative authority to close the docket upon verification that the refunds have been completed.

APPROVED