

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Disposition of) DOCKET NO. 920465-WS
contributions-in-aid-of-) ORDER NO. PSC-93-1140-FOF-WS
construction (CIAC) gross-up) ISSUED: August 5, 1993
funds received by Sunray)
Utilities - Nassau, Inc. in)
Nassau County.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION ORDER
CREDITING UNCLAIMED REFUNDS TO CIAC

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

By Order No. 16971, issued December 18, 1986, this Commission granted approval for water and wastewater utilities to amend their service availability policies to meet the tax impact on Contributions-in-Aid-of-Construction (CIAC) resulting from the amendment of Section 118(b) of the Internal Revenue Code. Order No. 23541, issued October 1, 1990, ordered utilities currently grossing-up CIAC to file a petition for continued authority to gross-up and also ordered that no utility may gross-up CIAC without first obtaining the approval of this Commission. Sunray Utilities - Nassau, Inc. (Sunray or utility) requested and was granted authority to continue to gross-up for the related tax impact by Order No. 92-0130-FOF-WS, issued March 31, 1992.

By Order No. PSC-92-0969-FOF-WS, issued September 9, 1992, Sunray was ordered to refund excess gross-up collections of \$32,243 for 1988, plus accrued interest through the date of refund; and \$5,756 for 1990, plus accrued interest. No refund was required or

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ordered for 1989. The utility was given six months to complete the refund and was required to file a report within 30 days from the date the refund was completed.

On April 30, 1993, Sunray filed its refund report. The report indicated that ten refund checks totaling \$48,024.34 were issued. Five checks totaling \$3,481.99 were returned by the post office as undeliverable. The utility did not propose a method of disposing of the unclaimed refunds in its April 30, 1993 report.

By letter dated May 12, 1993, the utility was requested to submit its proposed method for disposing of the unclaimed refunds on or before June 14, 1993. The utility responded on June 14, 1993. Subsequent to the April 30, 1993, report the utility made an additional refund. Four unclaimed refunds totaling \$2,983.99 remain. The utility proposed that the \$2,983.99 balance of unclaimed refunds be treated as cash CIAC and credited to CIAC.

We find the utility has made a reasonable effort to refund CIAC gross-up monies to the customers. We find it appropriate to treat the unclaimed refunds as CIAC and require the utility to book the unclaimed gross-up refunds to CIAC.

Based on the foregoing it is, therefore,

ORDERED by the Florida Public Service Commission that Sunray Utilities- Nassau, Inc. shall credit unclaimed CIAC gross-up refunds to CIAC. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that upon the expiration of the protest period, if no timely protest is filed, this docket shall be closed.

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By ORDER Of the Florida Public Service Commission this 5th day
of August, 1993.



STEVE TRIBBLE, 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 120.59(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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on August 26, 1993.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water 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 of the effective date 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.