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**ORIGINAL
FILE COPY**

May 27, 1994

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0850

HAND DELIVERY

Re: Docket No. 920199-WS

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket are the original and fifteen copies of SSU's Request for Approval of Proposal for Disposition of Unclaimed Refunds and Termination of Obligation to Maintain Security For Refund of Interim Revenues:-

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

ACK Thank you for your assistance with this filing.

AFA _____

APP 1 _____

CAF _____

CMU _____

CTR KAH/rl _____

EAC _____

LEG cg: faher All Parties of Record

LIN 7 _____

CEO _____

RCH _____

SEC 1 _____

WAS Wallis _____

OTH mas _____

Sincerely,


Kenneth A. Hoffman

DOCUMENT NUMBER-DATE

05224 MAY 27 8

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Southern)
States Utilities, Inc. and Deltona)
Utilities, Inc. for Increased) Docket No. 920199-WS
Water and Wastewater Rates in)
Citrus, Nassau, Seminole, Osceola,)
Duval, Putnam, Charlotte, Lee,)
Lake, Orange, Marion, Volusia)
Martin, Clay, Brevard, Highlands,)
Collier, Pasco, Hernando, and) Filed: May 27, 1994
Washington Counties.)
_____)

**SSU'S REQUEST FOR APPROVAL OF
PROPOSAL FOR DISPOSITION OF UNCLAIMED REFUNDS
AND TERMINATION OF OBLIGATION TO MAINTAIN SECURITY
FOR REFUND OF INTERIM REVENUES**

SOUTHERN STATES UTILITIES, INC. ("Southern States"), by and through its undersigned counsel, and pursuant to Rule 25-30.360, Florida Administrative Code, hereby requests the Florida Public Service Commission ("Commission") to approve its proposal for disposition of unclaimed refunds and to terminate SSU's obligation to maintain security for the refund of interim revenues. In support of its request, SSU states as follows:

1. On September 8, 1992, the Commission approved an interim rate increase for SSU in the above-referenced docket. See Order No. PSC-92-0948-FOF-WS, 92 F.P.S.C. 9:190 (1992) ("Interim Rate Order"). Pursuant to the Interim Rate Order, SSU also was required to submit an escrow agreement, letter of credit or bond in the amount of \$5,918,227.00 to secure the potential refund of the difference between the interim rates and the previously authorized rates. 92 F.P.S.C. 9:190 at 197-198.

2. On September 8, 1992, SSU filed a bond for security of refunds issued by Safeco Insurance Company of America ("Safeco")

DOCUMENT NUMBER-DATE

05224 MAY 27 1994

FPSC-RECORDS/REPORTING

dated September 4, 1992 in the total amount of \$5,918,227.00. A copy of the Safeco Bond is attached hereto as Exhibit "A".

3. Pursuant to the Final Order¹ and Order on Reconsideration² issued in this docket, final rates were established at a level below the interim rate increase thereby requiring a refund of interim revenues.

4. On April 25, 1994, SSU filed its final refund report required under Rule 25-30.360(7), Florida Administrative Code.

5. The final refund report reflects that of the \$990,667.56 of interim rate revenues to be refunded, checks were returned to SSU totalling \$9,696.40, hence, the total unclaimed refund amount as of March 31, 1994, is \$9,696.40.

6. Southern States proposes the following method of disposition of the \$9,696.40 in unclaimed refunds as of March 31, 1994:

a. The \$9,696.40 would be credited to CIAC accounts by assigning the total amount of \$9,696.40 to specific systems based on customers. This treatment would be consistent with Rule 25-30.360(8), Florida Administrative Code, as well as the Commission's treatment of unclaimed refunds in SSU's prior multi-county, multi-system rate case. See 93 F.P.S.C. 6:109 (1993).

b. SSU would honor any remaining refund claim submitted to SSU within 12 months following the date of issuance of the

¹In re: Application for a Rate Increase by Southern States Utilities, Inc. 93 F.P.S.C. 3:504 (1993).


²In Re: Application for a Rate Increase by Southern States Utilities, Inc., 93 F.P.S.C. 11:39 (1993).

Commission order approving this proposal. Each refund made within such twelve (12) month period would be accompanied by an appropriate reduction to the CIAC accounts of the affected system(s).

7. If the Commission approves SSU's proposal outlined in paragraph 6 above, SSU also requests the Commission to terminate SSU's obligation to maintain the \$5.9 million interim revenue bond on file with the Commission. As reflected by the correspondence dated September 3, 1993 attached hereto as Exhibit "B", the term of the bond extends through September 3, 1994; however, if the Commission confirms that all obligations under the bond have been met, SSU will be reimbursed the unearned amount of the total premium paid of \$29,591.00.

WHEREFORE, SSU respectfully requests the Commission to enter an order approving SSU's proposal for disposition of unclaimed refunds and terminating SSU's obligation to maintain the interim revenue bond securing the refunds ordered by the Commission.

Respectfully submitted,


KENNETH A. HOFFMAN, ESQ.
RUTLEDGE, ECHYIA, UNDERWOOD, PURNELL
& HOFFMAN, P.A.
P. O. Box 551
Tallahassee, Florida 32302-0551
(904) 681-6788

and

Brian P. Armstrong, Esq.
Southern States Utilities, Inc.
1000 Color Place
Apopka, Florida 32703
(407) 880-0058

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing SSU's Request for Approval of Proposal for Disposition of Unclaimed Refunds and Termination of Obligation to Maintain Security for Refund of Interim Revenues was furnished by U. S. Mail to the following this 27th day of May, 1994.

Suzanne Summerlin, Esq.
Division of Legal Services
Florida Public Service Commission
101 East Gaines Street
Room 212
Tallahassee, Florida 32399-0850

Harold McLean, Esq.
Office of Public Counsel
111 W. Madison Street
Room 812
Tallahassee, FL 32399-1400

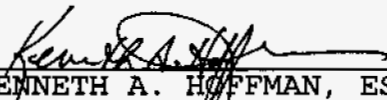
Michael A. Gross, Esq.
Assistant Attorney General
Department of Legal Affairs
Room PL-01, The Capitol
Tallahassee, Florida 32399-1050

Larry M. Haag, Esq.
County Attorney
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Suite 8
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MacFarlane Ferguson
P. O. Box 1531
Tampa, Florida 33601

Michael B. Twomey, Esq.
Route 28, Box 1264
Tallahassee, Florida 31310

Michael S. Mullin, Esq.
P. O. Box 1563
Fernandina Beach, Florida 32034



KENNETH A. HOFFMAN, ESQ.

giga.disposition

LAW OFFICES

MESSER, VICKERS, CAPARELLO, MADSEN, LEWIS, GOLDMAN & METZ

A PROFESSIONAL ASSOCIATION

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WEST PALM BEACH, FLORIDA 33409
TELEPHONE (407) 640-0820
TELECOPIER (407) 640-8202

Tallahassee

REPLY TO:

SEP - 8 1992

FPSC RECORDS REPORTING

September 8, 1992

Mr. Steve Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0850

HAND DELIVERY

RE: Docket No. 920199-WS

Dear Mr. Tribble:

On August 18, 1992, the Commission approved an interim rate increase for the Applicant in the above-referenced docket, Southern States Utilities, Inc., and Deltona Utilities, Inc. (hereinafter referred to collectively as "Southern States"). The Commission also voted to require Southern States to submit an escrow agreement, letter of credit or bond with the tariffs reflecting the approved interim rates.

Enclosed for filing are the following documents:

1. An original and three copies of the tariffs reflecting the approved interim rates. These tariffs should be stamped in with today's date, September 8, 1992.
2. An original and six copies of a Bond for Security of Refunds issued by Safeco Insurance Company of America dated September 4, 1992. The form and content of the bond has been approved by the Commission Staff.

EXHIBIT "A"

RECEIVED & FILED

FPSC BUREAU OF RECORDS

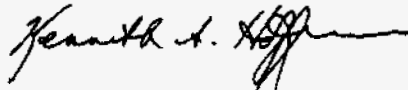
002179 2787

Mr. Steve Tribble, Director
September 8, 1992
Page 2

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,



Kenneth A. Hoffman

KAH/bgs

cc: Brian P. Armstrong, Esquire
Mr. Forrest L. Ludsen
Matthew Feil, Esquire, with enclosures
Mr. Charles H. Hill, with enclosures
Ms. Billie Messer, with enclosures
Harold McLean, Esquire, with enclosures
Mr. Harry Jones, with enclosures

002180 2788

In the Matter of the Application)
of Southern States Utilities, Inc.)
and Deltona Utilities, Inc.)
for a General Rate Increase)

Docket No. 920199-WS

BOND FOR SECURITY OF REFUNDS

KNOW ALL PEOPLE BY THESE PRESENTS, that We, Southern States Utilities, Inc., and Deltona Utilities, Inc. ("the Companies") as principal, and Safeco Insurance Company of America as surety, are held and firmly bound unto the Company's customers affected by the Application for a General Rate Increase filed in the above-captioned proceeding for the sum of Five Million Nine Hundred Eighteen Thousand Two Hundred Twenty Seven Dollars (\$5,918,227).

NOW THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Commission should require a refund in its final order issued in this proceeding, the Company heraby promises to refund amounts it has collected as determined in the final order of the Commission, pursuant to the provisions of FPSC Rule 25-30.360. Any such refunds shall include interest at the prescribed rate.

SIGNED, sealed and dated this 4 of September, 1992.

Attests:

SOUTHERN STATES UTILITIES, INC.

A. W. Usher

BY: Bert T. Phillips

President

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing was acknowledged before me this 4th day of September, 1992 by Bert T. Phillips, President of Southern States Utilities, Inc. on behalf of the corporation. He is personally known to me.



ARIANE S. GETTELMAN
My Comm. Exp. 6-2-94
Bonded This Office in Fla.

Ariane S. Gettelman
A-111756917 Ariane S. Gettelman
Notary Public, State of Florida at Large

Witness:

SAFECO INSURANCE COMPANY OF AMERICA

G. J. Othman

Helen L. Craytor
Attorney-In-Fact

STATE OF GEORGIA
COUNTY OF DEKALB

The foregoing was acknowledged before me this 4th day of September, 1992 by Helen L. Craytor, Attorney-In-Fact for SAFECO Insurance Company of America

Notary Public, DeKalb County, Georgia
My Commission Expires May 29, 1995

Estelle D. Mathis (Notary) 2789
002181



POWER
OF ATTORNEY

SAFECO INSURANCE COMPANY OF AMERICA
GENERAL INSURANCE COMPANY OF AMERICA
HOME OFFICE: SAFECO PLAZA
SEATTLE, WASHINGTON 98185

No. 6828

KNOW ALL BY THESE PRESENTS:

That **SAFECO INSURANCE COMPANY OF AMERICA** and **GENERAL INSURANCE COMPANY OF AMERICA**, each a Washington corporation, does each hereby appoint

-----**HELEN L. CRAYTOR**-----

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA have each executed and attested these presents

this 4th day of AUGUST, 1983

CERTIFICATE

**Extract from the By-Laws of SAFECO INSURANCE COMPANY OF AMERICA
and of GENERAL INSURANCE COMPANY OF AMERICA:**

"Article V, Section 13. — **FIDELITY AND SURETY BONDS** . . . the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business . . . On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

**Extract from a Resolution of the Board of Directors of SAFECO INSURANCE COMPANY OF AMERICA
and of GENERAL INSURANCE COMPANY OF AMERICA adopted July 28, 1970.**

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
- (ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
- (iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, **Boh A. Dickey**, Secretary of **SAFECO INSURANCE COMPANY OF AMERICA** and of **GENERAL INSURANCE COMPANY OF AMERICA**, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 4th day of September, 1992

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**McGRIFF, SEIBELS & WILLIAMS, INC.****INSURANCE & BONDS**

September 3, 1993

Mr. Scott W. Vierima
Vice President
SOUTHERN STATES UTILITIES INC.
1000 Color Place
Apopka, Florida 32703

RE: Safeco's \$5,918,227 Rate Refund Bond #5723650

Dear Mr. Vierima:

To confirm our telephone conversation today, please be advised at the point all rate refunds have been given and the Florida Public Service Commission acknowledges all obligations have been met, the captioned bond can be cancelled. The annual premium of \$29,591 will be pro-rated to determine the unearned premium due Southern States Utilities.

Please note: Safeco must receive some form of written confirmation from the commission that all obligations have been met with regards to FPSC Docket #920199 Refund Liability before they will be able to cancel the bond.

Alternatively, if the Florida Public Service Commission agrees to a reduction in the bond amount (and Safeco receives a written confirmation of this fact from the commission), a rider will at that time be issued to the captioned bond reducing the bond amount. The annual premium of \$29,591 will then be pro-rated to reflect this reduction and a return premium will be issued to Southern States Utilities.

Kindest regards,

McGRIFF, SEIBELS & WILLIAMS, INC.

Sheila Best, AAI, CIC, CPIW
Senior Account Service Representative

EXHIBIT "B"



1080 Woodcock Blvd., Suite 108/Orlando, FL 32803
P.O. Box 148105/Orlando, FL 32814-8105
TEL—(407) 894-7024 FAX—894-7027

002183

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