

oral argument in November, 1994. On December 6, 1994, the First District Court of Appeal entered its opinion upholding the Commission's decision in Orders Nos. PSC-93-1546-FOF-WS and PSC-93-1113-FOF-WS.

By Order No. PSC-94-0313-FOF-WS, issued March 21, 1994, the Commission acknowledged the sale of the Silver Springs Shores system to Marion County. On February 8, 1995, GDU submitted a refund plan for the Commission's approval. Refunds must be made in accordance with Rule 25-30.360, Florida Administrative Code.

In a typical case, the refunds are handled as a credit on the customer's bill and do not result in an outlay of cash by the utility. By letter dated February 15, 1995, the utility requested that the Commission release the Silver Springs Shores escrow funds for the purpose of making interim refunds to the Silver Springs Shores customers. In support of its request, GDU stated that since the Silver Springs Shores system was sold to Marion County, the refunds for this system will need to be made in the form of checks to GDU's former customers. This will require a substantial amount of cash which the utility does not have available, other than the escrow funds which were set aside for this purpose. GDU is proposing to make the refunds to the Port LaBelle customers as credits to their bills beginning April, 1995.

Upon consideration of the foregoing, the utility's request appears reasonable, and is, therefore granted. Escrow funds in the amount of \$216,938 shall be released in order to allow General Development Utilities, Inc., to make the appropriate refunds to the Silver Springs Shores customers. Any unclaimed refunds for the Silver Springs Shores system shall be delivered to the State of Florida Comptroller's office as abandoned funds upon the 12 month anniversary of the refund. Any checks that are requested to be reissued before that time shall be issued by General Development Utilities, Inc., or its parent, Atlantic Gulf Communities Corporation. The escrow funds pertaining to the Port LaBelle system shall remain in escrow until the refunds for that system have been completed and verified by our Staff. General Development Utilities, Inc., shall treat any unclaimed refunds for the Port LaBelle system as contributions in aid of construction pursuant to Rule 25-30.360(8), Florida Administrative Code.

These dockets shall remain open pending the completion of the refunds and verification by our Staff that the refunds have been completed. Upon verification by our Staff that the refunds have been completed, these dockets shall be closed administratively.

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Based on the foregoing, it is therefore,

ORDERED by the Florida Public Service Commission that escrow funds in the amount of \$216,938 shall be released in order to allow General Development Utilities, Inc., to make the appropriate refunds to the Silver Springs Shores customers. It is further

ORDERED that any unclaimed refunds for the Silver Springs Shores system shall be delivered to the State of Florida Comptroller's office as abandoned funds upon the 12 month anniversary of the refund. Any checks that are requested to be reissued before that time shall be issued by General Development Utilities, Inc., or its parent, Atlantic Gulf Communities Corporation. It is further

ORDERED that the escrow funds pertaining to the Port LaBelle system shall remain in escrow until the refunds for that system have been completed and verified by staff. It is further

ORDERED that General Development Utilities, Inc.'s escrow funds for the Port LaBelle system may be released upon staff's verification that the refund has been completed. General Development Utilities, Inc., shall treat any unclaimed refunds for the Port LaBelle system as contributions in aid of construction pursuant to Rule 25-30.360(8), Florida Administrative Code. It is further

ORDERED that these dockets shall remain open pending the completion of the refunds and verification by our Staff that the refunds have been completed. Upon verification by our Staff that the refunds have been completed, these dockets shall be closed administratively.

By ORDER of the Florida Public Service Commission, this 3rd day of April, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: *Kay Flynn*
Chief, Bureau of Records

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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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer 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 after the issuance 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.