

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application of Southern) DOCKET NO. 920655-WS
States Utilities, Inc., for) ORDER NO. PSC-93-1307-1 OF-WS
Increased Water and Wastewater) ISSUED: September 8, 1993
Rates in Collier County (Marco)
Island Systems).)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
LUIS J. LAUREDO

ORDER APPROVING UTILITY'S REQUEST FOR DISPOSITION
OF UTILITY'S UNCLAIMED REFUNDS

BY THE COMMISSION:

On August 10, 1992, Southern States Utilities, Inc. (SSU or utility), a Class A water and wastewater utility, filed an application for authority to increase water and wastewater rates and charges for its Marco Island systems in Collier County. On September 9, 1992, the utility completed the minimum filing requirements (MFRs) for a general rate increase and that date was established as the official filing date for this proceeding.

By Order No. PSC-92-1359-FOF-WS, issued November 23, 1992, this Commission suspended the utility's proposed rates and granted interim rate increases, subject to refund in the amount of \$2,488,974 for water and \$1,191,123 for wastewater. The utility began charging the authorized interim rate increase on the date that the interim rate tariff sheets were approved, November 23, 1992, rather than 30 days after the stamped approval date as required by the Commission's Order, or December 23, 1992. The one month's difference in effective dates resulted in the utility overcharging a total of \$140,362.32. On February 12, 1993, the utility filed its proposed plan for refund of the overcharges which was reviewed by our Staff. On February 18, 1993, the utility began refunding the overcharges with interest, a total of \$141,186.32, pursuant to Rule 25-30.360, Florida Administrative Code. The utility has not been able to locate the customers due the remaining refund balance of \$43.57. In its request, the utility states that it conducted the refund in accordance with Rule 25-30.360, Florida Administrative Code, that the refunds were credited to the active customers' accounts, and checks were issued to customers whose accounts were closed. The utility requested that the unclaimed refund in the amount of \$43.57 be credited to Marco Island's CIAC accounts.

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A hearing in this docket was held on March 8-9, 1993, in Marco Island, Florida and continued March 26, 1993, in Tallahassee, Florida. By Order No. PSC-93-1070-FOF-WS, issued July 23, 1993, we authorized final revenue requirements for the Marco Island water and wastewater systems and determined that a refund of interim rates based on the level of revenues earned during the interim period was not required. On June 24, 1993, the utility filed a Request for Approval of Proposal for Disposition of Unclaimed Refunds, pursuant to Rule 25-30.360, Florida Administrative Code, whereby the contributions-in-aid-of-construction (CIAC) accounts of the Marco Island water and wastewater systems will be credited with the balance of the unclaimed refund account.

We have reviewed the utility's final report and believe the refund was made in accordance with Rule 25-30.360, Florida Administrative Code. We find the utility's suggested disposition to be reasonable and will therefore approve it. Furthermore, the amount shall be divided equally between the water and wastewater systems. This docket shall remain open pending the disposition of the Office of Public Counsel's Motion for Reconsideration.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Southern States Utilities' request to credit the Marco Island water and wastewater systems' CIAC accounts for the balance remaining in the unclaimed refunds shall be approved. The balance of \$43.57 shall be divided equally between the water and wastewater systems. It is further

ORDERED that this docket shall remain open pending the disposition of the Office of Public Counsel's Motion for Reconsideration.

By ORDER of the Florida Public Service Commission this 8th day of September, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

LAJ

by: Kay Henson
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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.