

VOTE SHEET

DATE: May 19, 1997

RE: DOCKET NO. ~~92102~~ 2-SU - Application for 1996 disposition of contributions in aid of construction by Hudson Utilities, Inc. d/b/a Hudson Bay Company.

Issue 1: Should the Commission accept Hudson Utilities, Inc.'s settlement proposal of April 23, 1997 for the disposition of gross-up funds collected?
Recommendation: Yes, the Commission should accept Hudson Utilities, Inc.'s settlement proposal of April 23, 1997 for the disposition of gross-up funds collected. Based on acceptance of this settlement offer, staff recommends that \$1,817 and \$2,132 of accounting and legal fees for 1993 and 1994, respectively, be offset against the calculated refunds for those years. As a result, staff recommends that the utility be ordered to refund \$44,920 for 1994, plus accrued interest through the date of the refund, for gross-up collected in excess of the above-the-line tax liability resulting from the collection of taxable CIAC. No refund is recommended for 1993. According to Orders No. 16971 and 23541, all amounts should be refunded on a pro rata

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COMMISSIONERS ASSIGNED: CL DS GR

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures: Susan J. Clarke, Tom Dear]

REMARKS/DISSENTING COMMENTS:

PSC/RAR33 (5/90)

DOCUMENT NUMBER DATE

04986 MAY 19 97

FPSC-RECORDS/REPORTING

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Issue 1: (Continued)

basis to those persons who contributed the taxes. The refunds should be completed within 6 months of the effective date of the order. Within 30 days from the date of the refund, the utility should submit copies of cancelled checks, credits applied to the monthly bills or other evidence that verifies that the utility has made the refunds. Within 30 days from the date of the refund, the utility should also provide a list of unclaimed refunds detailing contributor and amount, and an explanation of the efforts made to make the refunds.

APPROVED

Issue 2: Should the docket be closed?

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

APPROVED