

VOTE SHEET

FEBRUARY 29, 2000

RE: DOCKET NO. 971179-SU - Disposition of CIAC gross-up funds collected by North Fort Myers Utility, Inc. in Lee County.

Issue 1: Should the Commission accept the Settlement Agreement reached by the parties?

Recommendation: Yes, the Settlement Agreement should be accepted in its entirety.

For those contributors who have paid the full amount of the original gross-up and CIAC charges, the utility should make a refund based on the contributors' pro rata share of the agreed upon total refund amount of \$300,000 for the fiscal years ended May 31, 1995 and May 31, 1996. For those contributors who are paying by installment, to the extent monies are still owing on installment contracts, that pro rata refund will first go to reduce installment payments still owed for the tax impact (CIAC gross-up), and secondly to credit any payments due for CIAC charges. If the pro rata refund is greater than the remaining installment payments for the combined CIAC gross-up charges and CIAC charges, the utility should make refunds as appropriate, and discontinue any further collections.

The refunds should be completed within 6 months of the date of the order. Within 30 days from the completion date of the refund, the utility should submit copies of canceled checks, credits applied to the monthly bills or other evidence that verifies that the utility has made the refunds. Within 30 days from the completion 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. To the extent that the utility is unable to refund the full amount of the \$300,000, and upon verification by our staff, the

COMMISSIONERS ASSIGNED: DS CL JC

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Susan L Clark

J. Terry Head

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

02759 MAR-18

FFDC-RECORDS/REPORTING

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undeliverable amount shall also be credited to CIAC. Further, on October 1, 1996, the utility refunded \$2,753.82 it collected for the period of June 1 through June 12, 1996, and no refund is required for the fiscal year 1996 (ended May 31, 1997). Finally, the show cause proceeding should be closed without penalty to the utility.

APPROVED

Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open so that our staff may verify that the refunds have been made and that any unclaimed refunds have been credited to the CIAC account. Upon verification that the refunds have been made, that appropriate efforts have been made to distribute the unclaimed refunds, and upon the utility having credited the unclaimed refunds to the CIAC account, the docket should be closed administratively.

APPROVED