

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Disposition of gross-up
on CIAC collections by Fountain
Lakes Sewer Corporation in Lee
County.

DOCKET NO. 990744-SU
ORDER NO. PSC-00-0801-FOF-SU
ISSUED: April 24, 2000

The following Commissioners participated in the disposition of
this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.
LILA A. JABER

ORDER GRANTING UTILITY'S REQUEST TO CREDIT
UNCLAIMED REFUNDS TO CIAC AND CLOSING DOCKET

BY THE COMMISSION:

BACKGROUND

Fountain Lakes Sewer Corporation (Fountain Lakes or utility)
is a Class B utility providing service to approximately 579
wastewater customers in Lee County. As of December 31, 1998, the
utility had annual operating revenues of \$291,578 and a net
operating income of \$57,086 for the wastewater system.

By Order No. PSC-99-1748-PAA-SU, issued September 7, 1999, in
this docket, we required the utility to refund a total of \$22,451,
plus accrued interest through the date of refund, to contributors
on a pro rata basis. The utility has completed the refunds and has
made several attempts to deliver four certified checks totaling
\$9,966 to the contributors. However, to date, that amount remains
unclaimed. By letter dated February 25, 2000, Fountain Lakes
requested that it be allowed to credit the unclaimed refunds as
contributions-in-aid-of-construction (CIAC).

CREDIT OF UNCLAIMED REFUNDS

In accordance with Order No. PSC-99-1748-PAA-SU, Fountain
Lakes implemented the refund and submitted copies of its refund

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report. By letters dated February 25, 2000, Fountain Lakes provided copies of the canceled refund checks reflecting the refund amounts.

According to Fountain Lakes, the unclaimed refund total of \$9,966 includes interest of \$1,760. The unclaimed refunds represent 36 percent of the refunds ordered. The \$9,966 in CIAC gross-up taxes belongs to four contributors that could not be located.

As requested by our staff, Fountain Lakes provided a list of each individual check, payee and amount remaining unclaimed. Our staff requested and received from Fountain Lakes an explanation of the efforts undertaken to complete the refund. In response, Fountain Lakes advised that many of the addresses were in the utility's files and that the utility contacted the local United States Post Office for forwarding addresses.

Fountain Lakes mailed the refund checks to the last known mailing address of each contributor. It appears that the remaining refunds are undeliverable and that the utility has exhausted all possible alternatives to locate forwarding addresses for the remaining contributors.

According to the utility's 1998 annual report, the utility is 53 percent contributed for the wastewater system. We have allowed other utilities to credit CIAC accounts with the amount of unclaimed refunds of gross-up on CIAC. Also, Rules 25-30.360(1) and (8), Florida Administrative Code, require that any unclaimed refunds be treated as cash CIAC. This procedure is consistent with Order No. PSC-94-1443-FOF-WS, issued November 23, 1994, in Docket No. 941096-WS and Order No. PSC-92-1290-FOF-WS, issued November 10, 1992, in Docket No. 901019-WS. Based on the above, Fountain Lakes shall credit CIAC in the amount of \$9,966 for unclaimed refunds.

Because there are no further actions required in this docket, this docket shall be closed.

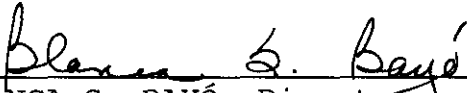
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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Fountain Lakes Sewer Corporation's request to credit unclaimed refunds to contributions-in-aid-of-construction is granted, and the utility shall credit \$9,966 to its contributions-in-aid-of-construction account. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 24th day of April, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

RRJ

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of

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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 and/or wastewater 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.