

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Disposition of
contributions-in-aid-of-
construction gross-up funds
collected by Forest Utilities,
Inc. in Lee County.

DOCKET NO. 961237-SU
ORDER NO. PSC-98-0919-FOF-SU
ISSUED: July 7, 1998

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA

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

BY THE COMMISSION:

BACKGROUND

Forest Utilities, Inc. (Forest or utility), is a Class B wastewater utility providing service to the public in Lee County. As of December 31, 1997, the utility served 1,952 wastewater customers. The utility had gross operating revenues of \$607,850, and reported net operating income of \$41,173.

By Order No. PSC-97-0007-FOF-SU, issued January 2, 1997, we required the utility to refund a total of \$26,337, plus accrued interest through the date of refund to contributors on a pro rata basis. The refund was for the years 1990 through 1994. The utility had six months to complete the refund. The utility has completed the refunds and to date, \$16,089 of the refunds remain unclaimed. The utility has made three attempts to deliver a certified check of \$16,089 to the contributor. By letter dated April 21, 1998, Forest requested that it be allowed to credit the unclaimed refunds as CIAC. The utility's request to dispose of the unclaimed refunds is the subject of this Order.

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UNCLAIMED REFUNDS

In compliance with Order No. PSC-97-0007-FOF-SU, Forest implemented the refund and submitted copies of its refund report to the Commission. By letters dated February 18, 1998, Forest provided copies of canceled refund checks and/or customer credits reflecting refund amounts. Forest requested that the CIAC refunds which remain outstanding be treated as CIAC.

According to Forest, the unclaimed refund total of \$16,089 includes interest in the amount of \$1,357. This amount is owed to one contributor who cannot be located, and represents 56 percent of the refunds ordered.

Forest has provided us with a list of each individual check, payee and amount remaining unclaimed. Further, the utility provided an explanation of the efforts undertaken to complete the refund. Forest states that many of the addresses were in the utility's files, and that it contacted the post office for forwarding addresses. Forest mailed the refund checks to the last known mailing address of each contributor. Further, Forest advised that the remaining refund is undeliverable and the company no longer exists. The utility appears to have exhausted all possible alternatives to locate a forwarding address for this one remaining customer.

According to the utility's 1997 annual report, the utility is 79 percent contributed for the wastewater system. However, we note that we have allowed other utilities to credit CIAC accounts with the amount of unclaimed refunds of gross-up on CIAC. Consistent with our decisions in 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, Forest shall be allowed to credit CIAC in the amount of \$16,089 for unclaimed refunds.

CLOSING OF DOCKET

There is no further action to be taken in this docket, and the docket shall be closed.

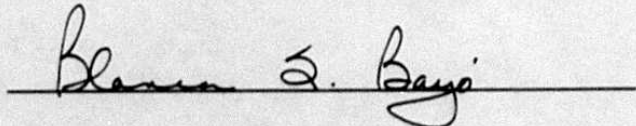
Based on the foregoing, it is

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ORDERED by the Florida Public Service Commission that the request of Forest Utilities, Inc., to credit its contributions-in-aid-of-construction account in the amount of \$16,089 for unclaimed refunds shall be granted. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 7th day of July, 1998.

A handwritten signature in cursive script, reading "Blanca S. Bayo", is written over a horizontal line.

BLANCA S. BAYO, 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 Chambered Oak Boulevard, Tallahassee,

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Florida 32399-0850, 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 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.