

VOTE SHEET

FEBRUARY 3, 1998

RE: DOCKET NO. 980061-SU - Disposition of contribution-in-aid-of-construction gross-up funds collected by South Seas Utility Company in Lee County.

Issue 1: Should South Seas Utility Company be ordered to show cause in writing within twenty days, why it should not be fined for its violation of Order No. 25256 and Section 367.091(3), Florida Statutes, for collecting CIAC gross-up without authority?

Recommendation: No. A show cause proceeding should not be initiated.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Signature]

Susan Clark

[Signature]

[Signature]

[Signature]

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REMARKS/DISSENTING COMMENTS:

COMMISSIONER GARCIA PARTICIPATED IN THE VOTE VIA VIDEO TELECONFERENCE. IN HIS VOTE, HE: AGREED WITH THE MAJORITY DISSENTED. COMMISSIONER GARCIA WILL SIGN THE ORIGINAL VOTE SHEET UPON HIS RETURN TO TALLAHASSEE.

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(Continued from previous page)

Issue 2: Should South Seas Utility Company be required to refund excess gross-up collections plus accrued interest for the years 1989 through 1994?

Recommendation: Yes, the utility should refund \$4,720 for 1990; \$1,888 for 1991; \$4,720 for 1992; \$7,552 for 1993; and \$940 for 1994; for a total of \$19,820 plus accrued interest through the date of refund, for gross-up collected in excess of the tax liability resulting from the collection of CIAC. No gross-up taxes were collected in 1989; therefore, no refund is necessary. In accordance with Orders Nos. 16971 and 23541, all amounts should be refunded on a pro rata basis to those persons who contributed the taxes. The refunds should be completed within six months. The utility should submit copies of canceled checks, credits applied to monthly bills, or other evidence which verifies that the refunds have been made, within 30 days from the date of refund. Within 30 days from the date of refund, the utility also should provide a list of unclaimed refunds detailing contributor and amount, and an explanation of the efforts made to make the refunds.

APPROVED

Issue 3: Should the docket be closed?

Recommendation: No. Upon expiration of the protest period for Issue 2, this docket should remain open pending verification of the refunds. Staff should be given administrative authority to close the docket upon verification that the refunds have been completed.

APPROVED