

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

FEBRUARY 1, 2000

RE: DOCKET NO. 981022-WS - Disposition of CIAC gross-up funds collected during the years 12/31/87 through 12/31/96 in Duval County by Ortega Utility Company.

Issue 1: Should Ortega Utility Company be required to refund excess gross-up collections for the years ended December 31, 1987 through December 31, 1996?

Recommendation: Yes. The utility over-collected CIAC gross-up monies for 1987 through 1994. However, based on past stipulations, staff recommends that the Commission accept Ortega's request that it be allowed to recover 50% of the legal and accounting costs that relate to preparation of the gross-up refund reports for 1987 through 1994. Due to an adjustment that was made in the utility's last rate case, staff calculated the refunds for 1987 through 1994 differently in this case than in previous gross-up cases. Staff recommends that the Commission accept staff's alternative calculation for 1987 through 1994. If the Commission approves staff's recommendation, staff calculates a refund of \$11,378 for 1987 through 1994. The utility under-collected CIAC gross-up for 1995 and 1996. Therefore, no refund is

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Susan J. Clark
Joe Fusco
J. Terry Lewis
[Signature]

REMARKS/DISSENTING COMMENTS:

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required for those years.

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 of the effective date of the Order. The utility should submit copies of canceled checks or other evidence which verifies that the refunds have been made, within 30 days from the date of the refund. Within 30 days from the date of the 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 refund. After staff's verification and review of the refund process, any unclaimed refunds shall be delivered to the State of Florida Comptroller's Office.

APPROVED

Issue 2: Should this docket be closed?

Recommendation: No. Upon expiration of the protest period, if a timely protest is not filed by a substantially affected person, the Order should become final and effective upon the issuance of a Consummating Order. The docket should remain open pending verification of the refund and that any unclaimed refunds have been delivered to the State of Florida Comptroller's Office as abandoned property. Staff should be granted administrative authority to close the docket upon verification that the refunds have been made in accordance with the Commission order.

APPROVED