

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of)
proceeding by Florida Public)
Service Commission to require)
ST. GEORGE ISLAND UTILITY)
COMPANY, LTD. in Franklin)
County to escrow funds for)
payment of regulatory)
assessment fees)
_____)

DOCKET NO. 920318-WU
ORDER NO. PSC-92-0478-FOF-WU
ISSUED: 06/09/92

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
LUIS J. LAUREDO

ORDER REQUIRING ESCROW OF
REGULATORY ASSESSMENT FEE AMOUNTS MONTHLY AND
REQUIRING PAYMENT OF 1991 REGULATORY ASSESSMENT FEES

BY THE COMMISSION:

Pursuant to Section 367.145(1), Florida Statutes, each utility must pay regulatory assessment fees (RAFTs). Rule 25-30.120(1), Florida Administrative Code, sets forth the amount of RAFTs each utility must pay. On March 31, 1992, St. George Island Utility Company, Ltd. (SGI or utility) submitted its 1991 RAF return indicating that \$13,557.56 of RAFTs were due, however, the utility failed to include any payment of the of RAFTs due and owing.

This utility has already been determined to be delinquent in payment of RAFTs, penalties and interest in an amount in excess of \$40,108.

Based on this utility's failure to pay RAFTs in the past and its current delinquency relating to 1991 RAFTs, we find it appropriate to require the utility to establish an interest bearing escrow account for the purpose of depositing monthly 4.5 percent of all service billings (monthly service, guaranteed revenue and miscellaneous service charges) each month for payment of RAFTs.

The escrow agreement for this account shall be submitted to the Commission for review and the following conditions shall be included in the escrow agreement:

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FPC-RECORDS/REPORTING

- 1) No funds in the escrow account may be withdrawn by the utility without the express approval of the Commission.
- 2) The escrow account shall be an interest bearing account.
- 3) The interest earned by the escrow account shall be maintained in the account and used to pay any penalties and interest associated with delinquent payment.
- 4) All information on the escrow account shall be available from the holder of the escrow account to a Commission representative at all times.
- 5) Four and one half percent (4.5%) of all monthly service revenue, guaranteed revenue and miscellaneous service charge billings for each month beginning in May, 1992, shall be deposited into the account within seven days of receipt.
- 6) This account is established by the direction of the Florida Public Service Commission for the purposes set forth in its order requiring such account. Pursuant to Cosentino v. Elson, 263 So.2d 253, (Fla. 3d DCA 1972), escrow accounts are not subject to garnishments.
- 7) The Director of Records and Reporting must be a signatory to the escrow agreement.

The utility shall maintain a record of the revenues billed for each month and file a copy of that record with the Division of Water and Wastewater no later than twenty (20) days after each monthly billing. These reports shall indicate the amount of revenue billed for the month under each category: monthly service rates, guaranteed revenue and miscellaneous service charges.

This Order does not address past delinquent RAF amounts. The 1988 through 1990 amounts have been referred to the Comptroller's Office for collection. We find it appropriate to require the utility to pay all 1991 RAF, penalties and interest no later than May 31, 1992. However, because this order is being issued after that date the utility shall have an additional fifteen days from that date, until June 15, 1992, to pay 1991 RAFs, penalties and interest.

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This docket shall remain open in order to monitor the establishment of the escrow account, monthly deposits and the filing of the monthly reports and to collect the 1991 RAFs.

Based on the foregoing, it is,

ORDERED by the Florida Public Service Commission that St. George Island Utility Company, Ltd., shall establish an interest bearing escrow account consistent with the requirements set forth in the body of this Order. It is further

ORDERED that the escrow agreement shall be submitted to the Director, Division of Records and Reporting, no later than the close of business June 19, 1992. It is further

ORDERED that St. George Island Utility Company, Ltd. shall pay all 1991 regulatory assessment fees, penalties and interest no later than June 15, 1992. It is further

ORDERED that the utility shall maintain a record of the revenues billed for each month and file a copy of that record with the Division of Water and Wastewater no later than twenty (20) days after each monthly billing as set forth in the body of this Order. It is further

ORDERED that this docket shall remain open in order to monitor the establishment of the escrow account, monthly deposits and the filing of the monthly reports and to collect the 1991 RAFs.

By ORDER of the Florida Public Service Commission, this 9th day of June, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 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 or sewer 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.