

RESOLUTION NO. 2004-81

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CHAIR PERSON TO EXECUTE FINAL ORDER NO. 04-00003 INDICATING THAT THE REQUIREMENTS OF ORDER NO. 03-00002 HAVE BEEN MET AND CLOSING DOCKET NO. 2001-0007-000023

WHEREAS, St. Johns County Ordinance No. 90-18, as codified pursuant to the provision of Ordinance 97-8, provides for formal proceedings in matters determining substantial interests of parties before the St. Johns County Water and Sewer Authority (the Authority) and the St. Johns County Board of County Commissioners (the Board); and

WHEREAS, On May 3, 2001 formal investigation commenced into possible overearnings by Intercoastal Utilities (the Utility) and Docket No. 2001-0007-000023 was opened; and

WHEREAS, This matter came before the Board on January 28, 2003 and Order #03-00002 was issued Confirming Recommended Order With Modifications and Granting a Refund to Customers; and

WHEREAS, The parties were desirous of reaching an amicable resolution and entered into a Settlement Agreement on March 4, 2003 and as part of the Settlement Agreement the Utility paid \$140,000 to St. Johns County in lieu of, and in complete satisfaction of that \$330,000 penalty contemplated by Order #03-00002; and

WHEREAS, Pursuant to paragraph 29 of Order #03-00002, the Utility's rates as calculated by Staff, and recommended by the Hearing Officer, were approved and reduced, and

WHEREAS, Staff verified the amount of money to be refunded, and how that amount was computed and authorized the Utility to proceed with the refunds; and.

WHEREAS, As directed in paragraph 31 of Order #03-00002 Intercoastal gave customers notice and indicated the revised rates with Authority Staff prior approval before mailing; and

WHEREAS, The Utility issued customer refunds in the amount of \$529,291.08; and

WHEREAS, As directed in paragraph 27 Order #03-00002 Staff verified the veracity of the refund reports, and that the refunds had been accurately issued through its Certified Public Accountant (CPA) who performed an onsite visit to the Utility to conduct review, audit and testing of refunds to customers that the Utility had made; and

WHEREAS, The Authority's CPA concluded from his audit and testing that the Utility had reasonably performed its task of either refunding or crediting customers their refund amounts as ordered; and

WHEREAS, As directed in paragraph 26 of Order #03-00002 the Utility provided a Final Report to Authority Staff after all administrative aspects of the refund were completed and included the amount of money to be refunded and how that was computed, amount of money actually refunded, amount of any unclaimed refunds and the status of any unclaimed amounts; and

WHEREAS, The Board's Order directed no costs of any kind, associated with any refund would be borne by the customers and as the instrument to accomplish this, paragraph 28 of Order #03-00002 directed that any unclaimed refunds were to be treated as cash-contributions-in-aid-of-construction. Therefore, unclaimed refunds in the amount of \$6,503.57 were treated as contributions-in-aid-of construction; and

WHEREAS, The Board of County Commissioners has determined that all refunds have been made to customers, all penalties have been paid and all rates have been reduced accordingly, all requirements of Order No. 03-0002 have been met and to close Docket No. 2001-0007-000023 effective April 27, 2004.

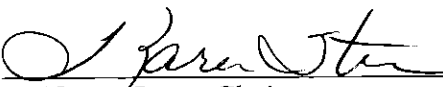
NOW THEREFORE, BE IT RESOLVED By the Board of County Commissioners of St. Johns County, Florida As Follows:

Section 1. The above recitals are incorporated into this Resolution as Findings of Fact.

Section 2. The Board of County Commissioners authorizes the Chair, the Clerk of Courts and the County Attorney to execute Final Order 04-00003 in Docket No. 2001-0007-000023.

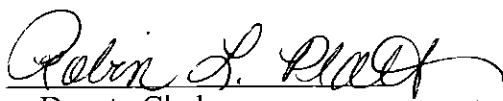
PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, THIS 27th DAY OF APRIL, 2004.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Karen Stern, Chairman

ATTEST: Cheryl Strickland, Clerk

RENDITION DATE May 4, 2004

By: 
Deputy Clerk