

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of	)	DOCKET NO. 881256-WS
majority organizational control of	)	
LINDRICK SERVICE CORPORATION in Pasco	)	ORDER NO. 21095
County to JOSEPH R. and MARLENE B. BORDA	)	ISSUED: 4-21-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
 THOMAS M. BEARD  
 BETTY EASLEY  
 GERALD L. GUNTER  
 JOHN T. HERNDON

ORDER ASSESSING PENALTY AGAINST LINDRICK CORPORATION

BY THE COMMISSION:

By Order No. 20519, issued December 23, 1988, we approved an application for transfer of majority organizational control of Lindrick Service Corporation (Lindrick) to Joseph and Marlene Borda. However, there was a seventeen month delay between the purchase of Lindrick and the filing of its transfer application. Therefore, by Order No. 20642, issued January 23, 1989, we directed Lindrick to show cause in writing, by February 13, 1989, why it should not be fined \$250 for failure to file its application in a timely manner. On February 3, 1989, Lindrick filed a response to our show cause order.

Lindrick's response was that, pursuant to Section 367.071, Florida Statutes, and Rule 25-30.040, Florida Administrative Code, it was the responsibility of Crown Corporation, Lindrick's prior owner, to apply for the transfer of majority organizational control. Lindrick, therefore, urges that no fine be assessed against the current owners for the prior owner's failure to timely file an application for authority to transfer.

We agree that it is the responsibility of the transferor to file an application for approval of a transfer. However, we do not agree that it is inappropriate for us to impose a penalty upon Lindrick. Although the ownership of Lindrick may have changed, Lindrick is, nevertheless, the entity which, at all times, was responsible to file its application. A change in its ownership does not relieve it of such responsibility or change the fact that Lindrick is the entity certificated by this Commission. Accordingly, we find it appropriate to impose a fine of \$250 against Lindrick. If Lindrick believes that the prior owners should be responsible for this fine, it may have an action against the prior owners in the appropriate forum.

It is, therefore,

ORDERED by the Florida Public Service Commission that a penalty of \$250 is hereby assessed against Lindrick Service Corporation for failure to timely file an application for transfer of majority organizational control. It is further

ORDERED that Lindrick Service Corporation shall submit payment of this penalty to this Commission no later than twenty-one days from the date of this Order. It is further

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ORDERED that, upon verification of Lindrick Service Corporation's payment of the penalty, Docket No. 881256-WS shall be closed.

By ORDER of the Florida Public Service Commission,  
this 21st day of APRIL, 1989.

  
STEVE TRIBBLE, Director,  
Division of Records and Reporting

( S E A L )

RJP

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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.