

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show)	DOCKET NO.	900911-WU
proceeding against SEBRING)		
COUNTRY ESTATES WATER COMPANY)	ORDER NO.	24157
in Highlands County for)		
failure to file 1988 annual)	ISSUED:	2/25/91
report in compliance with)		
Rule 25-30.110, F.A.C.)		
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The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 BETTY EASLEY
 FRANK S. MESSERSMITH
 MICHAEL MCK. WILSON

ORDER WAIVING ANNUAL REPORT REQUIREMENT

BY THE COMMISSION:

By Order No. 23850, issued December 10, 1990, this Commission ordered Sebring Country Estates Water Company (SCE or utility) to show cause why it should not be fined for failing to file its 1988 annual report. SCE filed an untimely response to the order on January 2, 1991. Though the utility did not request a hearing, the response it filed merits consideration, which is the purpose of this Order.

As evidenced by its response, the utility is under the impression that it has paid all pertinent regulatory fees and fines. We assert that this is not the case. What the utility has paid is all of its regulatory assessment fees (RAFs) and penalties for RAFs which this Commission has requested, including those for 1988; however, the utility has not filed its 1988 annual report and no fines have been assessed relating thereto.

The utility is apparently confused because it paid its RAFs and late RAF fines. The requirements to submit RAFs and annual reports are separate obligations established under separate Commission rules. The possibility of a fine for violating either one of those rules is as separate as the rules themselves.

Notwithstanding the separateness of the RAF and annual report requirements, we think that since SCE has paid its RAFs for the year 1988, this Commission will not pursue fining SCE for failing to file its 1988 report. The main purpose of the annual report

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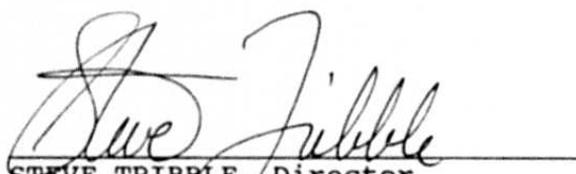
requirement is information gathering. The annual report allows the Commission to examine the utility's financial condition through a "desk audit." From the Annual Report we determine what the utility is earning and if it is overearning. From the earnings figure we make a number of calculations, including the RAFs owed. In this case, RAFs due for the year 1988 were assessed by the Commission based on estimated earnings; the utility paid the RAFs assessed in full. Thus, there is no longer a need for the 1988 annual report. Furthermore, the utility has recently been sold; its new owner filed the 1989 annual report and recently completed a staff-assisted rate case. Based on the foregoing, we see no reason to pursue the 1988 annual report. Accordingly, we shall waive the annual report requirement for the year 1988.

It is, therefore

ORDERED by the Florida Public Service Commission that the annual report requirement of Rule 25-30.110, Florida Administrative Code, is waived for Sebring Country Estates Water Company for the year 1988. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission this ~~25th~~
day of FEBRUARY, 1991.



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