

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show) DOCKET NO. 920611-WU
cause proceedings against) ORDER NO. PSC-92-0800-FOF-WU
UNIVERSITY OAKS WATER SYSTEM in) ISSUED: 08/11/92
Levy County for failure to)
remit penalty fee for filing)
delinquent 1989 and 1990 annual)
reports)
_____)

The following Commissioners participated in the disposition of this matter:

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

ORDER TO SHOW CAUSE

BY THE COMMISSION:

University Oaks Water System (University Oaks or utility) is a Class C utility, serving 89 water customers in Levy County. Based on information in the 1990 annual report, the utility reported water system operating revenues of \$6,236 and operating expenses of \$8,437, resulting in a net operating loss of \$2,201.

University Oaks filed delinquent 1989 and 1990 annual reports, in violation of Rule 25-30.110, Florida Administrative Code. Rule 25-30.110, Florida Administrative Code, requires utilities subject to the Commission's jurisdiction as of December 31st each year to file an annual report on or before March 31st of the following year. Requests for extension must be in writing and must be filed before March 31st. One extension of 30 days is automatically granted. Longer extensions may be granted upon showing of good cause. Incomplete or incorrect reports are considered delinquent, with a 30-day grace period in which to supply the missing information.

Pursuant to Rule 25-30.110(6)(c), Florida Administrative Code, any utility that fails to file a timely, complete annual report is subject to penalties, absent demonstration of good cause for noncompliance. The penalty set out in Rule 25-30.110(7), Florida Administrative Code, for Class C utilities is \$3 per day. The penalty calculation is based on the number of days elapsed since March 31, or the approved extension date, and the actual date of

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filing. The date of filing is included in computing the number of days elapsed. The Commission may impose lesser or greater penalties, pursuant to Rule 25-30.110(6)(c), Florida Administrative Code.

Regarding the 1989 report, an extension was requested on March 22, 1990, and granted on March 29, 1990, extending the deadline to April 30, 1990. A certified letter was sent to the utility on July 2, 1990, indicating that the 1989 report had not yet been received. The report was received on July 13, 1990. On September 23, 1991, a certified letter was sent to the utility assessing a penalty of \$222, 74 days delinquent x \$3 per day, and stating that the penalty was due on October 24, 1991.

On May 20, 1991, a certified letter was sent to the utility indicating that the 1990 annual report had not been received. The report was received on May 28, 1991. A certified letter was sent to the utility on February 11, 1992, assessing a penalty of \$174, 58 days delinquent x \$3 per day, and indicating that the penalty was due on March 12, 1992.

Based on the foregoing, it appears that University Oaks filed delinquent 1989 and 1990 annual reports in violation of Rule 25-30.110, Florida Administrative Code. Therefore, we find it appropriate to order University Oaks to show cause within 20 days why it should not remit fines of \$222 and \$174 for 1989 and 1990, respectively, for its failure to comply with Rule 25-30.110, Florida Administrative Code. If University Oaks fails to file a timely response to this show cause order, we hereby deem the fines of \$222 and \$174 to be levied, pursuant to the above-cited rule.

If University Oaks fails to respond to reasonable collection efforts by this Commission, we deem the fines to be uncollectible and hereby authorize referral of this matter to the Comptroller's Office for further collection efforts based on this Commission's finding that, under the aforesaid circumstances, further collection efforts by this Commission would not be cost effective. Two certified letters requesting payment shall constitute reasonable collection efforts. After referral to the Comptroller's Office, this docket shall be closed.

Based on the foregoing, it is, therefore,

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ORDERED by the Florida Public Service Commission that University Oaks Water System shall show cause, in writing in 20 days, why it should not remit the fines of \$222 and \$174 for filing delinquent 1989 and 1990 annual reports, respectively. It is further

ORDERED that University Oaks Water System's written response must be received by the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on August 31, 1992. It is further

ORDERED that University Oaks Water System's response must contain specific allegations of fact and law. It is further

ORDERED that University Oaks Water System's opportunity to file a written response shall constitute its opportunity to be heard prior to final determination of noncompliance and assessment of penalty by this Commission, as required under Rule 25-30.110(6)(c), Florida Administrative Code. It is further

ORDERED that a failure to file a timely response to this show cause order shall constitute an admission of the facts alleged in the body of this Order and a waiver of any right to a hearing. It is further

ORDERED that if University Oaks Water System files a written response that raises material questions of fact and requests a hearing pursuant to section 120.57, Florida Statutes, further proceedings may be scheduled before a final determination on these matters is made. It is further

ORDERED that if University Oaks Water System fails to file a timely response to this show cause order, the fines of \$222 and \$174 are deemed levied, pursuant to Rule 25-30.110, Florida Administrative Code. It is further

ORDERED that if the fines are levied and University Oaks Water System does not remit payment after reasonable collection efforts, we deem the fines to be uncollectible and authorize referral to the Comptroller's Office for further disposition and this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 11th
day of August, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

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