

FLORIDA PUBLIC SERVICE COMMISSION

Item 3

VOTE SHEET

FILED 1/8/2019
DOCUMENT NO. 00104-2019
FPSC - COMMISSION CLERK

January 8, 2019

Docket No. 20180142-WS – Initiation of show cause proceedings against Palm Tree Acres Mobile Home Park, in Pasco County, for noncompliance with Section 367.031, F.S., and Rule 25-30.033, F.A.C.

Issue 1: Should Palm Tree Acres Mobile Home Park be ordered to show cause in writing, within 21 days, as to why it (1) should not be fined for providing water and wastewater service to the public for compensation without first obtaining a certificate of authorization from the Commission, in apparent violation of Section 367.031, Florida Statutes, and Rule 25-30.033, Florida Administrative Code, and (2) should not bring itself into compliance with the Commission’s statutes and rules?

Recommendation: Yes. Palm Tree Acres Mobile Home Park should be ordered to show cause in writing, within 21 days, as to why it (1) should not be fined in the amount of \$5,000 for providing water and wastewater service to the public for compensation without first obtaining a certificate of authorization from the Commission, in apparent violation of Section 367.031, Florida Statutes, and Rule 25-30.033, Florida Administrative Code, and (2) should not bring itself into compliance with the Commission’s statutes and rules. The show cause order should incorporate the conditions as set forth in the staff analysis portion of staff’s memorandum dated December 27, 2018.

DEFERRED

with direction to staff to initiate rulemaking to look at exemptions under 367.022, Florida Statutes

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

Palm Tree Acres will not terminate service during pendency of rulemaking. P. Palm Tree Acres will withdraw notice and not file unadopted rule challenge.

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Issue 2: Should this docket be closed?

Recommendation: If the Commission approves Issue 1 and Palm Tree Acres timely responds in writing to the Order to Show Cause, this docket should remain open to allow for the appropriate processing of the response. If the Commission approves Issue 1 and Palm Tree Acres responds to the Order to Show Cause by remitting the fine and submitting its application for certificates of authorization to provide water and wastewater services, this show cause matter will be considered resolved, and the docket should be closed administratively. If the Commission approves Issue 1 and Palm Tree Acres does not remit payment and submit its application, or does not respond to the Order to Show Cause, this docket should remain open to allow the Commission to pursue further enforcement action and collection of the amount owed by the Utility.

DEFERRED