

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JANUARY 20, 1998

RE: DOCKET NO. 971622-SU - Initiation of show cause proceedings against Landmark Enterprises, Inc. in Highlands County for violation of Rule 25-30.110(3), F.A.C., Records and Reports; Annual Reports.

Issue 1: Should Landmark be ordered to show cause why it should not remit a penalty in the amount of \$10,116 for failing to comply with Rule 25-30.110, Florida Administrative Code, in that it did not file its annual reports from 1993 to 1996?

Recommendation: Yes. Staff recommends that Landmark should be ordered to show cause, in writing, within 20 days why it should not remit a penalty in the amount of \$10,116 (\$4,173 for 1,391 days x \$3.00 per day for 1993; \$3,078 for 1026 days x \$3.00 for 1994; \$1,980 for 660 days x \$3.00 per day for 1995; and \$885 for 295 days x \$3.00 per day for 1996) for violation of Rule 25-30.110, Florida Administrative Code, by failing to file its annual reports from 1993 to 1996. The show cause order should incorporate the conditions stated below in the staff analysis. Further, Landmark should immediately file the annual reports from 1993 to 1996, and should be put on notice that further violations of Rule 25-30.110, Florida Administrative Code, will result in further action by the Commission.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the majority column]
Susan L. Clark
J. Terry Hear
[unclear]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

01102 JAN 21 88

FPSC-RECORDS/REPORTING

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(Continued from previous page)

Issue 2: Should Landmark be ordered to show cause within 20 days why it should not remit a statutory penalty in the amount of \$771.59 and interest in the amount of \$893.26 for violation of Sections 350.113 and 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code, for failure to pay 1994 and 1995 regulatory assessment fees?

Recommendation: Yes. Staff recommends that Landmark should be ordered to show cause, in writing, within 20 days why it should not remit a statutory penalty in the amount of \$771.59 (\$382.07 for 1994 and \$389.52 for 1995) and \$893.26 (\$534.90 for 1994 and \$358.36 for 1995) in interest, for violation of Sections 350.113 and 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code, for failure to pay 1994 and 1995 regulatory assessment fees. Further, Landmark should be ordered to immediately remit \$1,528.29 and \$1,558.09 in outstanding regulatory assessment fees for 1994 and 1995, respectively, for a total regulatory assessment fee amount of \$3,086.38. The show cause order should incorporate the conditions stated below in the staff analysis.

APPROVED

Issue 3: Should this docket be closed?

Recommendation: If Landmark responds to the show cause order by filing the annual reports, paying 1994 and 1995 regulatory assessment fees, and remitting all associated penalties and interest, this docket should be closed administratively. If Landmark fails to timely respond to the show cause order and fails to respond to Commission staff's reasonable collection efforts, then this matter should be referred to the Comptroller's office for further collection efforts and this docket should be closed administratively. If Landmark responds to the show cause order and requests a hearing, this docket should remain open for final disposition.

APPROVED