

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

| | | |
|--------------------------------|---|----------------------|
| In re: Show cause proceedings |) | DOCKET NO. 880921-SU |
| against Naples Industrial Park |) | |
| in Collier County, for failure |) | ORDER NO.: 21016 |
| to comply with 1986 annual re- |) | |
| port requirements |) | ISSUED: 4-10-89 |

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 DECLARING UNPAID PENALTIES UNCOLLECTABLE

BY THE COMMISSION:

By Order No. 20275, issued November 7, 1989, this Commission fined Naples Industrial Park, Ltd., ("Naples"), \$3.00 per day, to a maximum of \$2,500, for its violation of Rule 25-30.110, Florida Administrative Code.

Reasonable efforts to communicate with the utility and collect the fine have been exercised. On December 22, 1988, Commission staff notified Naples that the time for appeal of Order No. 20275 had lapsed and staff intended to recommend court enforcement proceedings to collect the fine. On February 20, 1989, Commission staff sent a certified letter to the registered agent for Naples advising that the matter would be subject to formal enforcement proceedings absent payment of the fine. No response has been received.


We find that further attempts to collect from Naples would not be cost effective for this Commission. The Comptroller's Office of the Department of Banking and Finance has stated its willingness to pursue collection efforts in such circumstances. Therefore we find it appropriate to refer this matter to the Comptroller's Office to pursue collection or give this Commission permission to write off the outstanding fine as uncollectable.

Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that the fine assessed by Commission Order No. 20275 against Naples Industrial Park, Ltd., is determined to be uncollectable by this Commission. It is further

ORDERED that this account be referred to the Comptroller's Office of the Department of Banking and Finance for further collection efforts or for permission to write off this fine as uncollectable.

By ORDER of the Florida Public Service Commission, this 10th day of April, 1989.


 STEVE TRIBBLE, Director
 Division of Records & Reporting

(S E A L)

DAS

DOCUMENT NUMBER-DATE

03597 APR 10 1989

FPSC-RECORDS/REPORTING

ORDER NO. 21016
DOCKET NO. 880921-SU
PAGE 2

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.