

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Show Cause Proceedings	)	DOCKET NO. 881425-WS
against St. Johns North Utility Corp.)	)	ORDER NO. 21197
for violation of Chapter 367, F.S.	)	ISSUED: 5-8-89
	)	

The following Commissioners participated in the disposition of this matter.

GERALD L. GUNTER  
JOHN T. HERNDON  
THOMAS M. BEARD  
BETTY EASLEY

ORDER TO SHOW CAUSE WHY  
ADDITIONAL FINES SHOULD NOT BE IMPOSED

BY THE COMMISSION:

BACKGROUND

Section 367.161, Florida Statutes, authorizes the Commission to fine a utility, up to \$5,000 per day, that knowingly refuses to comply with or willfully violates any lawful order of the Commission. As a result of prior proceedings St. Johns North Utility Corp., ("SJN" or "utility"), has been fined for violation of various rules and orders of this Commission. Order No. 20409, issued December 5, 1988, directed SJN to file an application for extension of service territory, pursuant to Section 367.061, Florida Statutes, on or before March 6, 1989. A copy of this Order was forwarded to the utility and SJN has neither applied as directed or offered any explanation.

For the above reasons, SJN should be ordered to show cause why it should not be fined up to \$5,000 per day for its failure to comply with the provisions of Order No. 20409 directing the utility to apply for an extension of service territory.

WHEREFORE, in consideration of the foregoing, it is

ORDERED by the Florida Public Service Commission that St. Johns North Utility Corp. shall show cause, in writing, why it should not be fined up to \$5,000 per day for each day of its failure to comply with the provision of Order No. 20409 which ordered St. Johns North Utility Corp. to file an application for extension of service territory, pursuant to Section 367.061, Florida Statutes. It is further

ORDERED that said written response of St. Johns North Utility Corp. 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 May 30, 1989. It is further.

ORDERED that said response of St. Johns North Utility Corp. shall contain specific allegations of fact and law. It is further

DOCUMENT NUMBER-DATE

04533 MAY-8 1989

FPSC-RECORDS/REPORTING

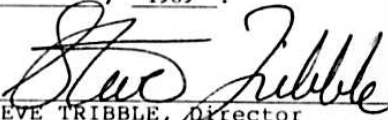
ORDER NO. 21197  
DOCKET NO. 881425-WS  
PAGE 2

ORDERED that the opportunity of St. Johns North Utility Corp. to file said written response shall constitute its opportunity to be heard prior to a final determination of noncompliance or assessment of penalty by this Commission. It is further

ORDERED that a failure to file a timely written 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, in the event St. Johns North Utility Corp. files a written response which raises material questions of fact and requests a hearing pursuant to Section 120.57(1), Florida Statutes, these matters will be addressed at the hearing to be set in accordance with the fourth ordering paragraph of this Order.

By ORDER of the Florida Public Service Commission  
this 8th day of May, 1989.

  
STEVE TRIBBLE, Director  
Division of Records & Reporting

(S E A L)

DS