

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 890950-WU
proceeding against SUNSHINE UTILITIES)	ORDER NO. 21698
for failure to comply with Florida)	ISSUED: 8-8-89
Statutes and Commission rules)	
regarding extension of facilities.)	
)	

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 TO SHOW CAUSE

BY THE COMMISSION:

Sunshine Utilities, Inc. (Sunshine or utility) is a class B water utility company serving 700 customers in Marion County, Florida.

In December, 1988, Sunshine and another Marion County utility company, Tradewinds Utilities, Inc., became involved in a dispute over the right to provide water service to a portion of Marion County, with both utilities filing objections to the other's notice of intent to file an application to amend their respective water certificates. Dockets Nos. 881568-WS, 881606-WU, and 890440-WS were established to process the various objections and counter-objections by the utilities, and the matter was scheduled for hearing.

In preparation for the hearing, we determined that Sunshine Utilities, Inc. had apparently installed water lines in at least three (3) residential subdivisions in Marion County, to wit: Pearl Britain Estates, Pearl Britain in the Pines, and Boulder Hill, in violation of Section 367.061(3), Florida Statutes, and Rule 25-30.030, Florida Administrative Code.

The above-cited statute provides in pertinent part:

A utility proposing to extend (its) service

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(area) must complete all noticing requirements . . . at least 30 days before commencing construction of the proposed extension.

Rule 25-30.030, Florida Administrative Code, cited above, provides the specific noticing requirements that a utility must comply with prior to beginning construction of water facilities outside of its certificated territory.

In the present case, it appears that Sunshine Utilities, Inc., by its having installed water lines in the three (3) above-mentioned unnoticed and uncertificated areas, has willfully or knowingly violated the above-cited statute and rule. Accordingly, we find that the utility shall be required to show cause why it should not be fined or otherwise punished by this Commission for its unlawful actions discussed herein.

It is, therefore,

ORDERED by the Florida Public Service Commission that Sunshine Utilities, Inc. shall show cause, in writing, why it should not be appropriately fined or otherwise punished for the its unlawful actions set forth in the body of this Order. It is further

ORDERED that Sunshine Utilities, Inc.'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 28, 1989. It is further

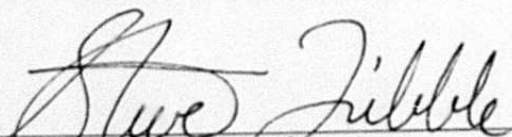
ORDERED that Sunshine Utilities, Inc.'s response must contain specific allegations of fact and law. It is further

ORDERED that Sunshine Utilities, Inc.'s failure to file its timely written response shall constitute an admission of the allegations contained in the body of this Order, and a waiver of any right to a hearing. It is further

ORDERED that in the event that Sunshine Utilities, Inc. files a written response which raises a genuine issue of a material fact or point of law, 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.

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


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JRF

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.