

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 960150-WU
proceedings against Blanton Lake) ORDER NO. PSC-96-0764-FOF-WU
Utilities Company in Pasco) ISSUED: June 13, 1996
County for failure to file its)
1993 annual report.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER DECLINING TO INITIATE SHOW CAUSE PROCEEDINGS

BY THE COMMISSION: *
 *

Blanton Lake Utilities Company (Blanton Lake or utility) is a Class C utility serving water customers in Pasco County. By Order No. PSC-92-1301-FOF-WU, issued November 12, 1992, the utility obtained Water Certificate No. 328-W.

Rule 25-30.110, Florida Administrative Code, requires utilities subject to the Commission's jurisdiction as of December 31 of a given year to file an annual report on or before March 31 of the following year. Blanton Lake failed to timely file a 1993 annual report, in violation of this Rule. Written requests for extension of time in which to file annual reports must be filed before March 31. Mr. Steven Matala, owner and operator of the utility in 1993, did not request an extension of time in which to file the 1993 annual report. Pursuant to Rule 25-30.110(6)(c), Florida Administrative Code, any utility that fails to file a timely and complete annual report is subject to penalties, absent demonstration of good cause for noncompliance. The penalty set out in Rule 25-30.110(7), Florida Administrative Code, for Class C utilities is \$3 per day. As Blanton Lake's 1993 annual report was filed eleven days late, the appropriate penalty for this violation is \$33.

On June 8, 1994, Mr. Matala notified this Commission of his intention to abandon the utility effective July 30, 1994. By Order No. PSC-94-0919-FOF-WU, issued July 26, 1994, we acknowledged the notice of abandonment. The Circuit Court appointed Pasco County

DOCUMENT NUMBER-DATE

06405 JUN 13 96

ORDER NO. PSC-96-0764-FOF-WU
DOCKET NO. 960150-WU
PAGE 2

Utility Department (Pasco County) the temporary receiver of Blanton Lake in September, 1994.

Nevertheless, pursuant to Section 367.071(2), Florida Statutes, the transferor of a utility remains liable for, among other things, any outstanding fines of the utility. Although Mr. Matala remains liable for the \$33 penalty, we are unable to locate him. We attempted to contact him at a telephone number which we had on file. Although the telephone number was in operation, there was no one by the name of Steven Matala at that number. Nor was Pasco County able to provide us with sufficient information to locate him.

Pursuant to Rule 25-30.110(6)(c), Florida Administrative Code, we may, in our discretion, impose a lesser penalty for noncompliance with annual report filing deadlines than those prescribed by the Rule. Because we find that our costs to impose further disciplinary action against the utility will greatly exceed the \$33 penalty, we hereby decline to initiate show cause proceedings at this time. The Chairman will correspond with the Comptroller's Office to explore alternative resolutions to such situations. Accordingly, this docket shall be closed.

Based upon the foregoing, it is,

ORDERED by the Florida Public Service Commission that show cause proceedings shall not be initiated against Blanton Lakes Utilities Company at this time. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 13th day of June, 1996.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

RKA

ORDER NO. PSC-96-0764-FOF-WU
DOCKET NO. 960150-WU
PAGE 3

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater 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.