

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the effect) DOCKET NO. 871206-PU
of 1986 Federal Tax Reform for 1988.)
_____)

In re: Investigation into the) DOCKET NO. 890430-PU
imposition of a penalty for failure) ORDER NO. 21635
to comply with the provisions of Rule) ISSUED: 7-31-89
25-14.003(4), F. A. C.)
_____)

LANIER UTILITY COMMISSION)
_____)

The following Commissioners participated in the
disposition of this matter:

MICHAEL McK. WILSON, Chairman
BETTY EASLEY
GERALD L. GUNTER
JOHN T. HERNDON

ORDER ASSESSING PENALTY AND REFERRING TO COMPTROLLER

BY THE COMMISSION:

In Orders No. 21187, issued May 8, 1989, we required Lanier Utility Commission (Lanier) to show cause in writing why it should not be fined three dollars per day for failure to timely file its tax savings report. The Order, sent by certified letter, was returned by the postal service undelivered. Lanier still has not submitted its tax report. Review of another show cause proceeding against Lanier indicates that further collection efforts by this Commission would not be cost-effective.

In Order No. 19876, issued August 24, 1988, we required Lanier to interconnect its sewer system with that of the City of Port Richey for failure to provide safe, sufficient, and efficient sewer service, in violation of Section 367.111, Florida Statutes, and for discharge of waste in violation of Section 403.021, Florida Statutes. In Order No. 20405, issued December 2, 1988, we required Lanier to show cause why its certificate should not be revoked and why Lanier, or Mr. Barry Lanier, individually, should not be fined \$5,000 per day for abandoning its sewer system without notice, in violation of Section 367.165, Florida Statutes. Further, Pasco County was

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requested to appoint a receiver for the utility. In Order No. 20884, issued March 13, 1989, this Commission ordered that Lanier's certificate be revoked and that the \$5,000 daily penalty accrue up to \$145,624, the value of Lanier's rate base. We ordered that the penalty be collected from Lanier to the extent possible, or alternatively from Mr. Barry Lanier, individually.

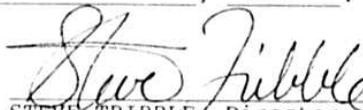
Based on Lanier's history, we believe that reasonable collection efforts by this Commission relating to the instant proceeding will not be cost-effective. We, therefore, find it appropriate to fine Lanier, or Mr. Barry Lanier, individually, \$1,250, declare the fine uncollectible, and immediately refer it to the Comptroller's Office for further disposition.

It is, therefore,

ORDERED by the Florida Public Service Commission that Lanier Utility Commission, or Mr. Barry Lanier, individually, is hereby assessed \$1,250 for violation of Rule 25-14.003(4), Florida Administrative Code. It is further

ORDERED that the fine is hereby declared uncollectible and is referred to the Comptroller's Office for further disposition.

By ORDER of the Florida Public Service Commission,
 this 31st day of July, 1989.



STEVE TRIBBLE, Director
 Division of Records and Reporting

(S E A L)

DCS

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

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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.