

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION'

In re: Request by LINADALE WATER	)	DOCKET NO. 891362-WU
COMPANY in Marion County to waive	)	
penalty for the late filing of its	)	ORDER NO. 22440
1987 annual report	)	
<hr/>		ISSUED: 1-22-90

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
 THOMAS M. BEARD  
 BETTY EASLEY  
 GERALD L. GUNTER

ORDER WAIVING PENALTY FOR THE LATE FILING OF  
 THE UTILITY'S 1987 ANNUAL REPORT

BY THE COMMISSION:

Linadale Water Company (utility) is a Class "C" utility serving approximately two hundred and five (205) water customers in Marion County.

The utility's 1987 Annual Report was due on or before March 31, 1988, pursuant to Rule 25-30.110, Florida Administrative Code. The utility requested and was granted a thirty (30) day extension of time to file its report in accordance with Paragraph (3) of the above-cited rule. The subject report was subsequently filed twenty-eight (28) days past the extended deadline granted the utility.

In a letter dated August 22, 1988, our Staff informed the utility of the penalty amount of \$84.00 (\$3.00 per day x 28 days), and requested payment. In response to Staff's letter, the owner of the utility, Myrtle I Shields, by way of letter dated August 25, 1988, requested that the penalty be waived due to extenuating circumstances. Specifically, Ms. Shields' letter stated that a death in the family had caused a disruption in the record keeping of the utility, thus causing a delay in the filing of the aforementioned annual report.

Upon due consideration, we find that the reason advanced by the utility for the late filing of the 1987 Annual Report is reasonable and such late filing is therefore excused.

It is, therefore,

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FPSC-RECORDS/REPORTING

ORDER NO. 22440  
DOCKET NO. 891362-WU  
PAGE 2

ORDERED by the Florida Public Service Commission that the request by Linadale Water Company to waive the \$84.00 penalty for the late filing of the utility's 1987 Annual Report is hereby approved. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission  
this 22nd day of JANUARY, 1990.

  
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

ORDER NO. 22440  
DOCKET NO. 891362-WU  
PAGE 3

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.