

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Show cause proceedings against )	DOCKET NO. 881345-WS
GOLDEN BAY COLONY UTILITIES CORPORATION )	ORDER NO. 22548
for violation of Sections 367.111(2), )	ISSUED: 2-14-90
367.071, and 367.165, F.S. )	
)	

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 RECOMMENDING DISCONTINUANCE OF  
 COLLECTION EFFORTS OF UTILITY'S UNPAID FINES

BY THE COMMISSION:

Golden Bay Colony Utilities Corporation (Golden Bay or utility) is a Class C utility which formerly provided water and sewer service to the public in Volusia County.

In Order No. 20431, issued December 8, 1989, the Commission assessed a \$2,500 fine against the utility for its failure to file its 1986 Annual Report. On April 13, 1989, through Order No. 21041, we declared the fine to be uncollectible and referred the matter to the State Comptroller's Office for collection.

In Order No. 20761, issued February 17, 1989, the Commission imposed a \$3,000 fine against Golden Bay for violating several Commission rules, such as failure to provide safe, sufficient and efficient service; failure to comply with certificate transfer requirements; and abandonment of the utility's plant and systems without notice. The utility was ordered to pay the fine on or before March 22, 1989, however no payment was received by the Commission.

On March 29, 1989, we mailed a certified letter to the principals of the utility advising that unless the fine was immediately paid, formal collection proceedings would be

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commenced against the utility. On April 10, 1989, the Commission received a letter from Golden Bay's attorney advising that the utility was sold in March, 1988 to Intercoastal Investment Group, Inc. (Intercoastal). The attorney further advised that Intercoastal breached the purchase contract with Golden Bay and litigation was pending in the Circuit Court for Volusia County for the rescission of the contract between Intercoastal and Golden Bay. Accordingly, the utility requested an extension of time to May 31, 1989, so that the Court could determine whether Intercoastal or Golden Bay was responsible for the fine. In Order No. 21343, issued June 6, 1989, the Commission denied the extension request and referred the matter of the \$3,000 fine to the State Comptroller's Office for collection.

By way of letter dated August 15, 1989, the Assistant County Attorney for Volusia County contacted our Staff and advised that the County was negotiating with the principals of the utility for its purchase, and the transaction should be finalized within one hundred and twenty days. On November 21, 1989, the Assistant County Attorney informed Staff that the County was proceeding with its plans to purchase the utility and requested that the above-discussed outstanding fines be waived by the Commission. In return for such waiver, the County agreed to pay approximately \$7,000 in past due utility bills owed by Golden Bay.

On December 13, 1989, we received a copy of the aforementioned purchase agreement between the utility and the County, and a letter from the Assistant County Attorney requesting a waiver of the aforementioned fines.

In a telephone conversation with our Staff on January 16, 1990, the Assistant County Attorney advised that the County had formally taken over the operation of the utility and the above delinquent utility bills were in the process of being paid by the County.

Upon due consideration of the foregoing, we find that the County's request is reasonable, and therefore, we should request that the Comptroller's Office discontinue efforts to collect the above-discussed outstanding fines against Golden Bay Colony Utility Corporation imposed by the Commission.

It is, therefore

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ORDERED by the Florida Public Service Commission that the Comptroller's Office be requested to discontinue its efforts to collect the \$5,500.00 in outstanding fines imposed against Golden Bay Colony Utility Corporation by the Commission. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission  
this 14th day of FEBRUARY, 1990.

  
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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

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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.