

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the effect of 1986 Federal Tax Reform for 1988))	DOCKET NO. 871206-PU
In re: Investigation into the imposition of a penalty for failure to comply with the provisions of Rule 25-14.003(4), F.A.C.)))))))	DOCKET NO. 890430-PU ORDER NO. 23919 ISSUED: 12-21-90

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
BETTY EASLEY
GERALD L. GUNTER
FRANK S. MESSERSMITH

ORDER SUSPENDING PENALTY IN PART

By Order No. 23465, issued September 11, 1990, this Commission fined Aqua Pure Water Company, Marico Properties, Inc., and North Central Florida Utilities, Inc., (collectively referred to as the utilities) \$1,250.00 for their failure to comply with the reporting requirement of Rule 25-14.003(4), Florida Administrative Code. The fine was based on a \$3.00 a day penalty for each day the reporting requirement was not satisfied up to a maximum of \$1,250.00. The three utilities were fined as one.

Subsequent to the issuance of Order No. 23456, we became aware of a letter sent to the Commission on December 6, 1989, from Mr. Michael D. Blake, the owner of all three utilities. This letter satisfied the reporting requirement. Because the reporting requirement was satisfied, the penalty should have been assessed only for the period during which the report was delinquent, June 15, 1989, to December 6, 1989, so the fine assessed should have been \$513.00. Furthermore, to be consistent with the other orders which we have issued in this docket, we shall further reduce the fine amount by half because the utilities in this case responded to the initial show cause order and made an effort to resolve the situation.

In the consideration of the above, we shall suspend \$994 of the \$1,250 penalty assessed against Aqua Pure Water Company, Marico Properties, Inc., and North Central Florida Utilities, Inc., by Order No. 23465, leaving the amount of the fine due to be \$256.00.

It is, therefore

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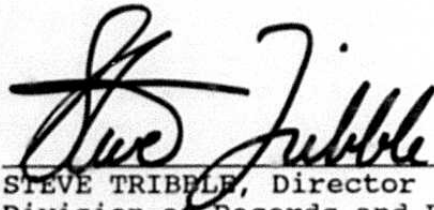
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ORDERED by the Florida Public Service Commission that \$994 of the \$1,250 penalty assessed against Aqua Pure Water Company, Marico Properties, Inc., and North Central Florida Utilities, Inc., by Order No. 23465, issued September 11, 1990, is hereby suspended. It is further

ORDERED that Aqua Pure Water Company, Marico Properties, Inc., and North Central Florida Utilities, Inc., shall pay a combined fine of \$256 as set forth above.

By ORDER of the Florida Public Service Commission this 21st day of DECEMBER, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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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.