

FILE COPY

STATE OF FLORIDA

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLIM
JOE GARCIA



CAPITAL CIRCLE OFFICE CENTER
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850

Public Service Commission

September 12, 1997

CERTIFIED MAIL - P 407 857 516
RETURN RECEIPT REQUESTED

Mr. Philip D. Woods, President
A. P. Utilities, Inc.
3925 S.E. 45th Court, Suite E
Ocala, Florida 34480-7431

FINAL NOTICE

Re: Docket No. ~~971096~~ - Limitation of show case proceedings against A. P. Utilities, Inc., for violation of Rule 25-30.110(3), F.A.C., Annual Report, and Rule 25-30.120, F.A.C., Regulatory Assessment Fees

Mr. Woods:

Because of your continued delinquency in failing to file annual reports and remit regulatory assessment fees, the above-referenced docket has been opened to initiate show cause proceedings against A. P. Utilities, Inc., (APU or utility). Commission staff is scheduled to file a recommendation in this matter on October 9, 1997, to be heard at the October 21, 1997 Agenda Conference.

Our records indicate that we have neither received the annual report for APU nor the regulatory assessment fees for 1996, in violation of Sections 367.121 and 367.145, Florida Statutes, and Rules 25-30.110 and 25-30.120, Florida Administrative Code. The 1996 annual report was due on March 31, 1997. You made no request for an extension nor was an extension granted. The total penalty on your failure to file the 1996 annual report through September 30, 1997 is \$2,470.50. An additional \$418.50 will be due October 31, 1997, for a total penalty of \$2,889.50.

The total regulatory assessment fee owed for 1996 is \$9,759.43. The total estimated penalty and interest for September 1997 is \$3,025.42 (penalty: \$2,439.86, interest: \$585.57). An additional \$683.16 will be due in interest in October. To resolve this matter payment of these fees totaling \$18,827.41, must be made within five (5) days of the date of this letter.

Sections 350.127(1) and 367.161, Florida Statutes, authorize the Commission to impose a penalty upon any regulated company that is found to be in willful violation of Commission statutes, rules, and orders.

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Accordingly, you are directed to immediately file the delinquent annual report, remit the delinquent regulatory assessment fees, and remit the appropriate penalties. Please contact me at (850) 413-6185 if you have any questions on specific amounts owing.

Sincerely,

A handwritten signature in black ink, appearing to read "Cleveland Ferguson III". The signature is written in a cursive style with a large initial "C" and a long horizontal stroke at the end.

Cleveland Ferguson III
Staff Attorney

cc: Division of Legal Services (Vaccaro)
Division of Administration (Lake)
Division of Water and Wastewater (Gilchrist, Dewberry)
Division of Records and Reporting