

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JULY 27, 1999

RE: DOCKET NO. 990872-WU - Initiation of show cause proceedings against WELLAQUA Co. for violation of Rules 25-30.110, F.A.C., Failure to File Annual Report, 25-30.310, F.A.C., Initiation of Service, 25-30.320, F.A.C., Refusal of Service, 25-30.330, F.A.C., Information to Customers, 25-30.355, F.A.C., Complaints, and 25-30.520, F.A.C., Responsibility of Utility to Provide Service.

Issue 1: Should the Commission order Wellaquia Company to show cause why it should not be required to remit a penalty in the amount of \$7,986 for apparent failure to comply with Rule No. 25-30.110, Florida Administrative Code, by not filing annual reports for 1995 through 1998?

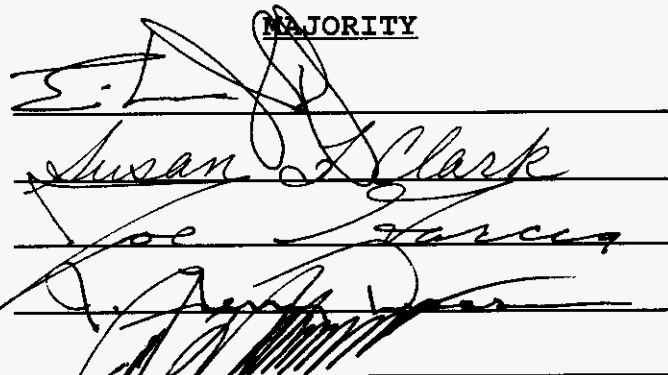
Recommendation: Yes. Staff recommends that Wellaquia be ordered to show cause, in writing, within 21 days of the issuance of the order why it should not remit a penalty in the amount of \$7,986 (\$3,639 for 1,213 days x \$3.00 per day for 1995; \$2,544 for 848 days x \$3.00 for 1996; \$1,449 for 483 days x \$3.00 per day for 1997; and \$354 for 118 days x \$3.00 per day for 1998) for apparent violation of Rule No. 25-30.110, Florida Administrative Code, by failing to file the utility's annual reports for 1995 through 1998. The show cause order should incorporate the conditions stated below in the staff analysis. Further, Mr. Salmons, the owner of the utility, should notify the Commission within 21 days of the issuance date

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING


  
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

08907 JUL 28 99

FPSC-RECORDS/REPORTING

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of this order of a reasonable time frame for filing the annual reports for 1995 through 1998, and should be put on notice that penalties will continue to accrue until the annual reports are filed.

# APPROVED

Issue 2: Should the Commission order Wellaqua Company to show cause, in writing within 21 days, as to why it should not be fined up to \$5,000 a day for each day of apparent violation of Rules Nos. 25-30.310, Florida Administrative Code, Initiation of Service, 25-30.320, Florida Administrative Code, Refusal of Service, 25-30.330, Florida Administrative Code, Information to Customers, 25-30.355, Florida Administrative Code, Complaints, and 25-30.520, Florida Administrative Code, Responsibility of Utility to Provide Service?

Recommendation: Yes. Staff recommends that Wellaqua be ordered to show cause, in writing, within 21 days of issuance of the order why it should not be fined for apparent failure to comply with Rules Nos. 25-30.310, Florida Administrative Code, Initiation of Service, 25-30.320, Florida Administrative Code, Refusal of Service, 25-30.330, Florida Administrative Code, Information to Customers, 25-30.355, Florida Administrative Code, Complaints, and 25-30.520, Florida Administrative Code, Responsibility of Utility to Provide Service. Additionally, Wellaqua should be ordered to initiate service to Mr. Murrin immediately, provided applicable tariff provisions are met, pending the final resolution of any dispute that may exist in this docket. The utility shall notify the Commission staff within five days after service has been initiated.

# APPROVED

VOTE SHEET

JULY 27, 1999

DOCKET NO. 990872-WU - Initiation of show cause proceedings against WELLAQUA Co. for violation of Rules 25-30.110, F.A.C., Failure to File Annual Report, 25-30.310, F.A.C., Initiation of Service, 25-30.320, F.A.C., Refusal of Service, 25-30.330, F.A.C., Information to Customers, 25-30.355, F.A.C., Complaints, and 25-30.520, F.A.C., Responsibility of Utility to Provide Service.

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Issue 3: Should this docket be closed?

Recommendation: No. This docket should remain open pending the resolution of the show cause proceeding unless Mr. Salmons responds to the show cause order by filing the annual reports that are delinquent, initiating service to Mr. Murrin, and remitting all associated penalties and interest associated with the numerous apparent rule violations discussed in Issues 1 and 2 of this recommendation.

**APPROVED**