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Public Service Commission

December 2, 2004

Mr. Frank J. Seifert, Vice-President  
ESAD Enterprises, Inc. d/b/a Beaches Sewer System  
P. O. Box 503  
Port St. Joe, FL 32457-0503

Re: Past Due 2003 Annual Report of ESAD Enterprises, Inc. d/b/a Beaches Sewer System

Dear Mr. Seifert:

By letter dated July 13, 2004, staff advised ESAD Enterprises, Inc. d/b/a Beaches Sewer System (ESAD or utility) that it had not yet filed its annual report which was due March 31, 2004. Pursuant to Rule 25-30.110, Florida Administrative Code, failure to timely file an annual report subjects a utility to a penalty of \$3 per day for each day the report is late unless the utility can demonstrate good cause for the noncompliance. Until the utility files the annual report or obtains an extension of time from the Division of Economic Regulation, it is subject to the continued accrual of the \$3 per day penalty.

Pursuant to our conversation on November 29, 2004, you stated that ESAD would file the annual report sometime next week, and understood that the penalty would continue to accrue. You may wish to request an extension of time from the Commission's Division of Economic Regulation to stop the accrual of the above-noted penalty. If you do file such a request for an extension, such request "must be accompanied by a statement of good cause and shall specify the date by which the report will be filed." See Rule 25-30.110(3)(c), Florida Administrative Code. Also, pursuant to Rule 25-30.110(6)(c), Florida Administrative Code, "No final determination of noncompliance or assessment of penalty shall be made by the Commission except after notice and an opportunity to be heard, as provided by applicable law."

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Mr. Frank J. Seifert, Vice-President

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Your attention in this matter is greatly appreciated, and if you have any questions or if I can be of any further assistance please contact me at this address or call me at 850-413-6234.

Sincerely,



Ralph R. Jaeger  
Attorney

RRJ:jb

cc: Division of Economic Regulation (Brinkley)  
Division of the Commission Clerk and Administrative Services

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