

MEMORANDUM

APRIL 16, 2010

RECEIVED-FPSC

10 APR 16 PM 1:29

COMMISSION
CLERK

TO: ANN COLE, OFFICE OF COMMISSION CLERK

FROM: ERIK SAYLER, SENIOR ATTORNEY

RE: DOCKET NO. 090154-SU, Notice of abandonment of wastewater system for
The Village of Lakeland Mobile Home Park in Polk County, by West Lakeland
Wastewater, Inc.

Please place into the docket file the attached letter from the Department of Financial Services, approving the Commission's request regarding uncollected regulatory assessment fees.

ELS/th
Attachment

DOCUMENT NUMBER-DATE

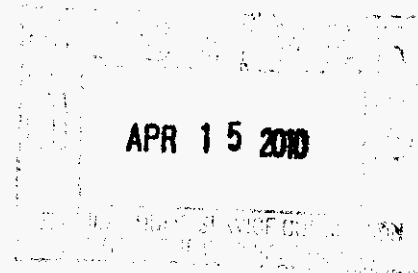
02939 APR 16 0

FPSC-COMMISSION CLERK

SU 836
Westlake Land



REPRESENTING
ALEX SINK
CHIEF FINANCIAL OFFICER
STATE OF FLORIDA



April 8, 2010

Ms. Apryl C. Lynn, Director
Division of Administrative Services
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Dear Ms. Lynn:

We reviewed your request to adjust your Department's records for uncollected accounts receivables totaling \$6,219.95. We are satisfied sufficient effort has been made to collect the amounts due and it is in the State's best interest to adjust your records.

Your request is hereby approved, pursuant to the provisions of Section 17.04, Florida Statutes. Collection efforts should be renewed if your agency becomes aware of additional information that would allow the collection of these claims.

Please contact Mike Rutherford at (850) 413-5594 or claimsforcollections@myfloridacfo.com if you have any questions.

Sincerely,

Molly C. Merry

MCM/cmr

Enclosure

FLORIDA DEPARTMENT OF FINANCIAL SERVICES
Molly C. Merry, CPA • Chief
Division of Accounting and Auditing • Bureau of Accounting
200 East Gaines Street • Tallahassee, FL 32399-0354 • Tel. 850-413-3097 • Fax 850-413-5548
Email • molly.merry@myfloridacfo.com
Affirmative Action • Equal Opportunity Employer

DOCUMENT NUMBER-DATE
02939 APR 16 2010
FPSC-COMMISSION CLERK

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
NANCY ARGENZIANO
NATHAN A. SKOP
DAVID E. KLEMENT

STATE OF FLORIDA



DIVISION OF
ADMINISTRATIVE SERVICES
APRYL C. LYNN
DIRECTOR
(850) 413-6330

Public Service Commission

October 27, 2009

Ms. Molly Merry
Bureau of Accounting
Financial Services
101 East Gaines Street
Tallahassee, Florida 32399-0354

Dear Ms. Merry:

The Public Service Commission has exercised reasonable efforts to collect fines from the utility referenced below. No response has been received, therefore further collection efforts would not be cost effective.

DOCKET NUMBER	UTILITY NAME	TOTAL AMOUNT
090154-SU	West Lakeland Wastewater, Inc.	\$6,219.95

The Delinquent Accounts Receivable Transmittal form, a memorandum from the Commission's Office of the General Counsel, and other supporting documentation are enclosed. At your discretion, please grant this agency permission to write off the debt.

Sincerely,

A handwritten signature in cursive script, appearing to read "Apryl C. Lynn".

Apryl C. Lynn

AL:vm
Enclosures

cc: Office of the General Counsel (Saylor)
Division of Economic Regulation (Clapp)
Office of Commission Clerk (Cole)

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State of Florida



Public Service Commission

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

-M-E-M-O-R-A-N-D-U-M-

DATE: October 22, 2009
TO: Karen Belcher, Director, Division of Administrative Services
FROM: Erik L. Sayler, Senior Attorney, Office of the General Counsel 
RE: Request for Permission from Department of Financial Services to Write-Off the Penalty Imposed on West Lakeland Wastewater, Inc., pursuant to Order No. PSC-09-0607-FOF-SU, issued September 8, 2009, in Docket No. 090154-SU In re: Notice of abandonment of wastewater system for The Village of Lakeland Mobile Home Park in Polk County, by West Lakeland Wastewater, Inc.

On March 30, 2009, Docket No. 090154-SU was established to address the notice of abandonment submitted by West Lakeland Wastewater, Inc. (the Utility), effective June 30, 2009. On June 22, 2009, the Circuit Court of the Tenth Judicial Circuit issued an order in Case No. 53-2009CA-005284, in which it declared West Lakeland Wastewater, Inc. abandoned and appointed Mr. Michael Smallridge as receiver of the wastewater system.

During the pendency of this proceeding, it was discovered that the Utility was in apparent violation of Sections 367.145, 367.161, and 350.113, Florida Statutes (F.S.), Rules 25-30.110, and 25-30.120, Florida Administrative Code (F.A.C.). Commission staff contacted the former owners, by phone, letter, and email concerning the outstanding RAFs, penalties and interest owed to the Commission, and their failure to file annual reports. By phone, the former owners stated they could not pay the RAFs nor penalties and interest. The former owners did not respond to staff's letter or email concerning these outstanding amounts.

Order No. PSC-09-0607-FOF-SU, issued on September 8, 2009, acknowledged abandonment of the Utility and appointment of Mr. Smallridge as receiver. In addition, the order declined to show cause the former owners of the Utility for their failure to pay regulatory assessment fees, penalties and interest on those fees, and for failing to file annual reports because the Utility was abandoned and the likelihood of recovering any money from the former owners was minimal.

In its Order, the Commission found that the Utility had failed to timely submit, pursuant to Rule 25-30.120, F.A.C., its regulatory assessment fees (RAF) and was assessed penalties and interest pursuant to statute and rule. The Utility made a partial payment of \$1,360.67 on May 31, 2008, for its 2007 RAFs, and no payment for its 2008 RAFs. Notices of delinquency for failure to remit the 2007 and 2008 RAFs were mailed to the Utility on April 22, 2008, and April 15, 2009, respectively. As of the date of receivership, June 22, 2009, the Utility owed delinquent

Memo to Karen Belcher
October 22, 2009
Page 2

RAFs for 2007 and 2008, respectively: \$3,961.53 in RAFs, \$856.62 in interest, and \$312.80 in penalties. The amount of 2009 RAFs owed from January 1, 2009, through June 22, 2009, is \$1,315.17; however, this amount will be the responsibility of the receiver.¹

The Commission also found that the Utility had failed to timely file, pursuant to Rule 25-30.120, F.A.C., its annual reports, and was assessed a penalty pursuant to the rule. Because the Utility was abandoned and was now in receivership, the Commission found good cause for the Utility's non-compliance, exercised its discretion in Rule 25-30.110(6), F.A.C., and did not assess the penalties set forth in Rule 25-30.110(7), F.A.C., for outstanding annual reports.

Because the Commission also found that further collection efforts would likely not be cost-effective and that collection of any fees is highly unrealistic, the Commission further ordered that the outstanding the RAFs, penalties and interest be sent to the Department of Financial Services for collection, and that the Division of Administrative Services shall request permission to write-off the uncollectible amount.

Therefore, staff requests that the Division of Administrative Services/Fiscal Services Section take the appropriate steps to seek permission from the Department of Financial Services to write-off the uncollectible the RAFs, penalties and interest for West Lakeland Wastewater, Inc.

ELS/els

cc: Valorie Moore
Stephanie Clapp

¹ See Order No. PSC-95-0222-FOF-WU, issued February 17, 1995, in Docket No. 941122-WU, In Re: Notice of abandonment of water system in Levy County by Manatee Utilities, Inc.

**STATE OF FLORIDA
DEPARTMENT OF FINANCIAL SERVICES
BUREAU OF ACCOUNTING
DELINQUENT ACCOUNTS RECEIVABLE TRANSMITTAL
(PLEASE PRINT OR TYPE)**

AGENCY FLORIDA PUBLIC SERVICE COMMISSION DATE October 22, 2009 PAGE 1 OF 1
 CONTACT KAREN BELCHER, DIRECTOR, FISCAL SERVICES
 PHONE NUMBER 850-413-6273
 FLAIR ACCOUNT CODE FLAIR ACCOUNT CODES: 61 50 2 573003 610100 00 000100
61 74 1 000331 610100 00 001200

1. Docket No. 090154-SU WEST LAKELAND WASTEWATER, INC.

Agency Reference #	Last Name	First	M	Social Security #	DFS use only	
P.O.BOX 266, EATON PARK, FLORIDA 33840						
Last Known Address (Include Zip)						
863-581-7514/863-665-1748				\$3,961.53	\$1,169.42	\$1,089.00 \$6,219.95
Home Telephone	Work Phone	Principal Amount		Penalty/Interest Amount	Annual Rpt. Fine	Total
§367.145 F.S., §350.113, F.S., and Rule 25-30.120, F.A.C., Rule 25-30.110, F.A.C.						
Penalty/Interest Authority		Date Debt Incurred			Debt Type	
Regulatory Assessment Fees, Penalties, Interest and Annual Report Fines for Failure to Pay						
Debt Description, e.g., Drivers License, Property Damage						
Additional Information, e.g., Date of Birth, Drivers License Number, etc						

2.

Agency Reference #	Last Name	First	M	Social Security #	DFS use only	
Last Known Address (Include Zip)						
Home Telephone	Work Phone	Principal Amount		Penalty/Interest Amount	Total	
Penalty/Interest Authority		Date Debt Incurred			Debt Type	
Debt Description, e.g., Drivers License, Property Damage						
Additional Information, e.g., Date of Birth, Drivers License Number, etc						

3.

Agency Reference #	Last Name	First	M	Social Security #	DFS use only	
Last Known Address (Include Zip)						
Home Telephone	Work Phone	Principal Amount		Penalty/Interest Amount	Total	
Penalty/Interest Authority		Date Debt Incurred			Debt Type	
Debt Description, e.g., Drivers License, Property Damage						
Additional Information, e.g., Date of Birth, Drivers License Number, etc						

****DEBIT TYPE CODE****

1. RETURNED CHECK 2. NONPAYMENT FOR STATE GOODS/SERVICES 3. DAMAGE TO STATE PROPERTY
 7. COURT ORDER 8. FINES 9. OVERPAYMENT OF STATE FUNDS