

CLASS "C"

99 APR -2 11 0 49

WATER AND/OR WASTEWATER UTILITIES

(Gross Revenue of Less Than \$150,000 Each)

ANNUAL REPORT

OF

DIXIE GROVES ESTATES, INC.
Exact Legal Name of Respondent

139-W
Certificate Number(s)

Submitted To The

STATE OF FLORIDA



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Florida Public Service Commission
Division of Water and Wastewater

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PUBLIC SERVICE COMMISSION

FOR THE

YEAR ENDED DECEMBER 31, 1998

Form PSC/WAW 6 (Rev. 05/96)

DECEMBER 31, 1998
UTILITY NAME DIXIE GROVES ESTATES, INC.

REPORT OF

YEAR OF REPORT
DECEMBER 31, 1998

DIXIE GROVES ESTATES, INC.

(EXACT NAME OF UTILITY)

P.O. BOX 845	SAME	
NEW PORT RICHEY, FL 34656	SAME	PASCO
Mailing Address	Street Address	County

Telephone Number (727)845-1530 Date Utility First Organized -51

Check the business entity of the utility as filed with the Internal Revenue Service:

Individual Sub Chapter S Corporation 1120 Corporation Partnership

Name, Address and phone where records are located: MATTHEW A. POTTER, CPA
5940 MAIN ST., NEW PORT RICHEY, FL 34652

Name of subdivisions where services are provided: DIXIE

CONTACTS:

Name	Title	Principle Business Address	Salary Charged Utility
Person to send correspondence: JUDSON F. POTTER	PRESIDENT	SAME AS ABOVE	\$ _____
Person who prepared this report: MATTHEW A. POTTER	C. P. A.	5940 MAIN ST. N.P.R., FL 34652	\$ _____
Officers and Managers: JULIE A. POTTER	OFFICE MANAGER	SAME AS ABOVE	\$ 12000
JUDSON F. POTTER	PRESIDENT		\$ 3000
MATTHEW A. POTTER	SEC/TREAS.		\$ 600
			\$ _____
			\$ _____

Report every corporation or person owning or holding directly or indirectly 5 percent or more of the voting securities of the reporting utility:

Name	Percent Ownership in Utility	Principle Business Address	Salary Charged Utility
JUDSON F. POTTER	50	SAME AS ABOVE	\$ ABOVE
MATTHEW A. POTTER	50		\$ ABOVE
			\$ _____
			\$ _____
			\$ _____
			\$ _____
			\$ _____

UTILITY NAME:

DIXIE GROVES ESTATES, INC.

YEAR OF REPORT
DECEMBER 31, 1998

INCOME STATEMENT

Account Name	Ref. Page	Water	Wastewater	Other	Total Company
Gross Revenue:					
Residential _____		\$ 27,289	\$ _____	\$ _____	\$ 27,289
Commercial _____		_____	_____	_____	0
Industrial _____		_____	_____	_____	_____
Multiple Family _____		_____	_____	_____	_____
Guaranteed Revenues _____		_____	_____	_____	0
Other (Specify) _____		0	_____	_____	0
Total Gross Revenue _____		\$ 27,289	\$ _____	\$ _____	\$ 27,289
Operation Expense (Must tie to pages W-3 and S-3):	W-3 S-3	\$ 43,913	\$ _____	\$ _____	\$ 43,913
Depreciation Expense S:W44	F-5	3,389	_____	_____	3,389
CIAC Amortization Expense	F-8	(469)	_____	_____	(469)
Taxes Other Than Income	F-7	3,560	_____	_____	3,560
Income Taxes _____	F-7	0	_____	_____	_____
Total Operating Expense _____		\$ 50,393	\$ _____	\$ _____	\$ 50,393
Net Operating Income (Loss) _____		\$ (23,104)	\$ _____	\$ _____	\$ (23,104)
Other Income:					
Nonutility Income _____		\$ _____	\$ _____	\$ _____	\$ 0
DEFERRED GAIN		1,098	_____	_____	1,098
INTEREST & BAD CHECK		6,326	_____	_____	6,326
Other Deductions:					
Miscellaneous Nonutility Expenses _____		41	\$ _____	\$ _____	\$ 41
Interest Expense _____		4,871	_____	_____	4,871
+\$1 Rounding		_____	_____	_____	_____
_____		_____	_____	_____	_____
_____		_____	_____	_____	_____
Net Income (Loss) _____		\$ (20,592)	\$ _____	\$ _____	\$ (20,592)

COMPARATIVE BALANCE SHEET

ACCOUNT NAME	Reference Page	Current Year	Previous Year
Assets:			
Utility Plant in Service (101-105) -----	F-5,W-1,S-1	\$ 74908	\$ 74908
Accumulated Depreciation and Amortization (108) -----	F-5,W-2,S-3	51525	48136
Net Utility Plant -----		\$ 23383	\$ 26772
Cash -----		5823	574
Customer Accounts Receivable (141) -----		3945	3631
Other Assets (Specify): -----			
NON-UTILITY NOTE RECEIVABLE -----		60474	61876

Total Assets -----		\$ 93625	\$ 92853
Liabilities and Capital:			
Common Stock Issued (201) -----	F-6	10000	10000
Preferred Stock Issued (204) -----	F-6		
Other Paid in Capital (211) -----			
Retained Earnings (215) -----	F-6	-41998	-21406
Proprietary Capital (Proprietary and partnership only) (218) -----	F-6		
Total Capital -----		\$ -31998	\$ -11406
Long Term Debt (224) -----	F-6	\$ 52140	\$ 22159
Accounts Payable (221) -----		4805	14526
Notes Payable (232) -----			
Customer Deposits (235) -----		1676	
Accrued Taxes (236) -----		1228	1189
Other Liabilities (Specify) ----- PREPAIDS		666	
DEFERRED PROFIT NON-UTILITY		47363	48459
ADJUSTMENT PER SARC TO BALANCE		16012	17926

Advances for Construction -----			
Contributions in Aid of Construction - Net (271-272) -----	F-8	1733	0
Total Liabilities and Capital -----		\$ 93625	\$ 92853

GROSS UTILITY PLANT

Plant Accounts: (101 - 107) inclusive	Water	Wastewater	Plant other Than Reporting Systems	Total
Utility Plant in Service -----	\$ 74908	\$ _____	\$ _____	\$ 74908
Construction Work in -----	_____	_____	_____	0
Other (Specify) -----	_____	_____	_____	0
_____	_____	_____	_____	0
_____	_____	_____	_____	0
Total Utility Plant -----	\$ 74908	\$ 0	\$ 0	\$ 74908

ACCUMULATED DEPRECIATION (A/D) AND CIAC AMORTIZATION OF UTILITY PLANT

Account 108	Water	Wastewater	A/D & CIAC AM Other Than Reporting Systems	Total
Balance First of Year -----	\$ 48136	\$ _____	\$ _____	\$ 48136
Add Credits During Year:				
Accruals charged to depreciation account -----	\$ 3389	\$ _____	\$ _____	\$ 3389
Salvage -----	_____	_____	_____	0
Other Credits (specify) -----	_____	_____	_____	0
_____	_____	_____	_____	0
Total Credits -----	\$ 3389	\$ _____	\$ _____	\$ 3389
Deduct Debits During Year:				
Book cost of plant retired -----	\$ _____	\$ _____	\$ _____	\$ 0
Cost of removal -----	_____	_____	_____	0
Other debits (specify) -----	_____	_____	_____	0
_____	_____	_____	_____	0
Total Debits -----	\$ _____	\$ _____	\$ _____	\$ 0
Balance End of Year -----	\$ 51525	\$ _____	\$ _____	\$ 51525

CAPITAL STOCK (201 - 204)

	Common Stock	Preferred Stock
Par or stated value per share _____	1	_____
Shares authorized _____	10000	_____
Shares issued and outstanding _____	10000	_____
Total par value of stock issued _____	10000	_____
Dividends declared per share for year _____	0	_____

RETAINED EARNINGS (215)

	Appropriated	Un- Appropriated
Balance first of year _____	\$ _____	\$ -21406
Changes during the year (Specify): NEW LOSS _____	_____	-20592
_____	_____	_____
Balance end of year _____	\$ _____	\$ -41998

PROPRIETARY CAPITAL (218)

	Proprietor Or Partner	Partner
Balance first of year _____	\$ _____	\$ _____
Changes during the year (Specify): _____	_____	_____
_____	_____	_____
Balance end of year _____	\$ _____	\$ _____

LONG TERM DEBT (224)

Description of Obligation (Including Nominal Date of Issue and Date of Maturity):	Interest		Principal per Balance Sheet Date
	Rate	# of Pymts	
various note & loans _____	_____	_____	\$ 52140
_____	_____	_____	_____
Total _____	_____	_____	\$ 52140

TAXES ACCRUED (236)

(a)	Water (b)	Wastewater (c)	Other (d)	Total (e)
1. Balance first of year	\$ 1189	\$	\$	\$ 1189
Add Accruals charged:				
State ad valorem tax	\$ 226	\$	\$	\$ 459
Local property tax	459			
Federal income tax	1490			
State income tax				
Regulatory assessment fee	1228			1228
Other (Specify)CORP RENEW INTANGIBLE	150			150
	7			
2. Total Taxes Accrued	\$ 3560	\$	\$	\$ 3560
Deduct Taxes Paid:				
State ad valorem tax	\$ 226	\$	\$	\$ 226
Local property tax	459			459
Federal income tax	1490			1490
State income tax				
Regulatory assessment fee	1189			1189
Other (Specify)CORP RENEW INTANG.TAX	150			150
	7			7
3. Total Taxes Paid	\$ 3521	\$	\$	\$ 3521
4. Balance end of year (1 + 2 - 3 = 4)	\$ 1228	\$ 0	\$ 0	\$ 1228

PAYMENTS FOR SERVICES RENDERED BY OTHER THAN EMPLOYEES

Report all information concerning outside rate, management, construction, advertising, labor relations, public relations, or other similar professional services rendered the respondent for which aggregate payments during the year to any corporation, partnership, individual, or organization of any kind whatever amounting to \$500 or more.

Name of Recipient	Water Amount	Wastewater Amount	Description of Service
H 2 O UTILITY SERVICES	\$ 13599	\$	Operation of plant & maint.
ADVISOR ENTERPRISES	\$ 3600	\$	Meter readings & small maint.
Matthew A. Potter, CPA	\$ 1906	\$	Accounting, Rate Increases, Taxes
	\$	\$	Payroll
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	

CONTRIBUTIONS IN AID OF CONSTRUCTION (271)

(a)	Water (b)	Wastewater (c)	Total (d)
1) Balance first of year_____	\$ 9680	\$ _____	\$ 9680
2) Add credits during year_____	650	_____	_____
3) Total_____	10330	_____	10330
4) Deduct charges during the year_____	_____	_____	_____
5) Balance end of year_____	10330	_____	10330
6) Less Accumulated Amortization_____	8597	_____	8597
7) Net CIAC_____	\$ 1733	\$ _____	\$ 1733

ADDITIONS TO CONTRIBUTIONS IN AID OF CONSTRUCTION DURING YEAR (CREDITS)

Report below all developers or contractors agreements from which cash or property was received during the year.	Indicate "Cash" or "Property"	Water	Wastewater
_____	_____	_____	_____
_____	_____	_____	_____
Sub-total_____	_____	\$ 650	\$ _____
Report below all capacity charges, main extension charges and customer connection charges received during the year.			
Description of Charge	Number of Connections	Charge per Connection	
ONE NEW CUSTOMER	1	\$ 650	\$ 650
_____	_____	_____	_____
Total Credits During Year (Must agree with line # 2 above.)_____		\$ 650	\$ _____

ACCUMULATED AMORTIZATION OF CIAC

	Water	Wastewater	Total
Balance First of Year_____	\$ 8128	\$ _____	\$ 8128
Add Credits During Year_____	_____	_____	_____
Deduct Debits During Year_____	469	_____	469
Balance End of Year (Must agree with line #6 above.)	\$ 8597	\$ _____	\$ 8597

WATER UTILITY PLANT ACCOUNTS

Acct. No. (a)	Account Name (b)	Previous Year (c)	Additions (d)	Retirements (e)	Current Year (f)
301	Organization_____	\$ _____	\$ _____	\$ _____	\$ _____
302	Franchises_____	_____	_____	_____	_____
303	Land and Land Rights_____	211	_____	_____	211
304	Structures and Improvements_____	3811	_____	_____	3811
305	Collecting and Impounding Reservoirs_____	_____	_____	_____	_____
306	Lake, River and Other Intakes_____	_____	_____	_____	_____
307	Wells and Springs_____	6502	_____	_____	6502
308	Infiltration Galleries and Tunnels_____	_____	_____	_____	_____
309	Supply Mains_____	_____	_____	_____	0
310	Power Generation Equipment_____	_____	_____	_____	0
311	Pumping Equipment_____	11900	_____	_____	11900
320	Water Treatment Equipment_____	2305	_____	_____	2305
330	Distribution Reservoirs and Standpipes_____	10066	_____	_____	10066
331	Transmission and Distribution Lines_____	13253	_____	_____	13253
333	Services_____	_____	_____	_____	0
334	Meters and Meter Installations_____	17295	_____	_____	17295
335	Hydrants_____	6933	_____	_____	_____
339	Other Plant and Miscellaneous Equipment_____	_____	_____	_____	_____
340	Office Furniture and Equipment_____	2632	_____	_____	2632
341	Transportation Equipment_____	_____	_____	_____	_____
342	Stores Equipment_____	_____	_____	_____	_____
343	Tools, Shop and Garage Equipment_____	_____	_____	_____	_____
344	Laboratory Equipment_____	_____	_____	_____	_____
345	Power Operated Equipment_____	_____	_____	_____	_____
346	Communication Equipment_____	_____	_____	_____	_____
347	Miscellaneous Equipment_____	_____	_____	_____	_____
348	Other Tangible Plant_____	_____	_____	_____	_____
	Total Water Plant_____	\$ 74908	\$ 0	\$ 0	\$ 74908

ANALYSIS OF ACCUMULATED DEPRECIATION BY PRIMARY ACCOUNT - WATER

Acct. No. (a)	Account (b)	Average Service Life in Years (c)	Average Salvage in Percent (d)	Depr. Rate Applied (e)	Accumulated Depreciation Balance Previous Year (f)	Debits (g)	Credits (h)	Accum. Depr. Balance End of Year (f-g+h=i) (i)
304	Structures and Improvements		%	3.57 %	\$ 2076	\$	\$ 136	\$ 2212
305	Collecting and Impounding Reservoirs		%					
306	Lake, River and Other Intakes		%					
307	Wells and Springs	33	%	3.7 %	5730		241	5971
308	Infiltration Galleries & Tunnels		%					
309	Supply Mains		%					0
310	Power Generating Equipment		%					0
311	Pumping Equipment	20	%	5.88 %	5788		693	6481
320	Water Treatment Equipment	20	%	5.88 %	2081		136	2217
330	Distribution Reservoirs & Standpipes	28	%	3.03 %	4527		242	4769
331	Trans. & Dist. Mains	28	%	2.63 %	12660		326	12986
333	Services		%					0
334	Meter & Meter Installations	10	%	5.88 %	11256		1003	12259
335	Hydrants		%	2.5 %	2990		173	3163
339	Other Plant and Miscellaneous Equipment		%					
340	Office Furniture and Equipment	10	%	16.67 %	1028		439	1467
341	Transportation Equipment		%					
342	Stores Equipment		%					
343	Tools, Shop and Garage Equipment		%					
344	Laboratory Equipment		%					
345	Power Operated Equipment		%					
346	Communication Equipment		%					
347	Miscellaneous Equipment		%					
348	Other Tangible Plant		%		0			0
	Totals				\$ 48136	\$ 0	\$ 3389	\$ 51525 *

* This amount should tie to Sheet F-5.

WATER OPERATION AND MAINTENANCE EXPENSE

Acct. No.	Account Name	Amount
601	Salaries and Wages - Employees	\$ 14400
603	Salaries and Wages - Officers, Directors, and Majority Stockholders	1200
604	Employee Pensions and Benefits	2340
610	Purchased Water	0
615	Purchased Power	1637
616	Fuel for Power Production	
618	Chemicals	1834
620	Materials and Supplies	1110
630	Contractual Services:	
	Operator and Management	12514
	Testing	2851
	Other	1906
	Billing Service and Accountant	600
640	Rents	
650	Transportation Expense	
655	Insurance Expense	993
665	Regulatory Commission Expenses (Amortized Rate Case Expense)	1128
670	Bad Debt Expense	103
675	Miscellaneous Expenses	1297
	Total Water Operation And Maintenance Expense	\$ 43913 *

* This amount should tie to Sheet F-3.

WATER CUSTOMERS

Description (a)	Type of Meter ** (b)	Equivalent Factor (c)	Number of Active Customers		Total Number of Meter Equivalents (c x e) (f)
			Start of Year (d)	End of Year (e)	
5/8"	D	1.0	335	336	336
3/4"	D	1.5	1	1	1.5
1"	D	2.5		0	0
1 1/2"	D,T	5.0			
2"	D,C,T	8.0			
3"	D	15.0			
3"	C	16.0			
3"	T	17.5			
4"	D,C	25.0			
4"	T	30.0			
6"	D,C	50.0			
6"	T	62.5			
Other (Specify):					
Unmetered Customers					
** D = Displacement C = Compound T = Turbine			Total		
			336	337	337.5

UTILITY NAME: DIXIE GROVES ESTATES, INC.

YEAR OF REPORT
DECEMBER 31, 1998

PUMPING AND PURCHASED WATER STATISTICS

(a)	Water Purchased For Resale (Omit 000's) (b)	Finished Water From Wells (Omit 000's) (c)	Recorded Accounted For Loss Through Line Flushing Etc. (Omit 000's) (d)	Total Water Pumped And Purchased (Omit 000's) [(b)+(c)-(d)] (e)	Water Sold To Customers (Omit 000's) (f)
January		2100		2100	1047
February		1486		1486	977
March		1523		1523	921
April		1496		1496	1058
May		1795		1795	1226
June		1376		1376	1250
July		1175		1175	924
August		1070		1070	1019
September		965		965	765
October		1130		1130	874
November		1180		1180	856
December		1198		1198	1093
Total for Year	0	16494	0	16494	12010

If water is purchased for resale, indicate the following:

Vendor _____
Point of delivery _____

If water is sold to other water utilities for redistribution, list names of such utilities below:

MAINS (FEET)

Kind of Pipe (PVC, Cast Iron, Coated Steel, etc.)	Diameter of Pipe	First of Year	Added	Removed or Abandoned	End of Year
TRANSITE	4"	2880	None	None	2880
GALVANIZED	3"	210			210
"	2"	9970			9970
"	1 1/2"	350			350

UTILITY NAME:

DIXIE GROVES ESTATES, INC.YEAR OF REPORT
DECEMBER 31, 1998WELLS AND WELL PUMPS
(If Available)

(a)	(b)	(c)	(d)	(e)
Year Constructed _____	1957	1960	1965	_____
Types of Well Construction and Casing _____	Steel	STEEL	STEEL	_____
_____	_____	_____	_____	_____
Depth of Wells _____	56	65	71	_____
Diameters of Wells _____	4	6	6	_____
Pump - GPM _____	175	205	55	_____
Motor - HP _____	_____	_____	_____	_____
Motor Type * _____	_____	_____	_____	_____
Yields of Wells in GPD _____	252200	295200	216000	_____
Auxiliary Power _____	_____	_____	_____	_____
* Submersible, centrifugal, etc.				

RESERVOIRS

(a)	(b)	(c)	(d)	(e)
Description (steel, concrete) _____	PNEUMATIC	PNEUMATIC	PNEUMATIC	_____
Capacity of Tank _____	1000	1000	1000	_____
Ground or Elevated _____	Ground	Ground	Ground	_____

HIGH SERVICE PUMPING

(a)	(b)	(c)	(d)	(e)
<u>Motors</u>				
Manufacturer _____	GE	GE	GE	_____
Type _____	ELECTRIC	ELECTRIC	ELECTRIC	_____
Rated Horsepower _____	7.5	10	10	_____
<u>Pumps</u>				
Manufacturer _____	FLINT WALLING	BERKLEY CENT	US PUMP	_____
Type _____	_____	_____	_____	_____
Capacity in GPM _____	170	180	170	_____
Average Number of Hours Operated Per Day _____	7 TO 8	7 TO 8	7 TO 8	_____
Auxiliary Power _____	_____	_____	_____	_____

UTILITY NAME:

DIXIE GROVES ESTATES, INC.YEAR OF REPORT
DECEMBER 31, 1998

SOURCE OF SUPPLY

List for each source of supply (Ground, Surface, Purchased Water etc.)			
Gals. per day of source	<u>763400</u>		
Type of Source	<u>3 WELLS</u>		

WATER TREATMENT FACILITIES

List for each Water Treatment Facility:			
Type	<u>Liquid Chlor</u>		
Make			
Gals. per day capacity	<u>763400</u>		
High service pumping Gallons per minute			
Reverse Osmosis			
Lime Treatment Unit Rating			
Filtration Pressure Sq. Ft.			
Gravity GPD/Sq.Ft.			
Disinfection Chlorinator	<u>Yes</u>		
Ozone			
Other			
Auxiliary Power			

OTHER WATER SYSTEM INFORMATION

Furnish information below for each system not physically connected with another facility. A separate page should be supplied where necessary.

1. Present ERCs * now being served	<u>108.00</u>
2. Maximum ERCs ** that system can efficiently serve	<u>108</u>
3. Present system connection capacity (in ERC's) using existing lin	<u>108</u>
4. Future connection capacity (in ERC's) upon service area buldo	<u>NONE</u>
5. Estimated annual increase in ERCs *	<u>0</u>
6. List fire fighting facilities and capacities (including number of fire hydrants)	
7. List percent of certificated area where service connections are installed (total for each county)	<u>100</u>
8. What is the current need for system upgrading and/or expansion?	<u>TOO MUCH TO LIST</u> THE ENTIRE SYSTEM NEEDS TO BE REPLACED
9. What are plans for future system upgrading and/or expansion?	<u>TOO MANY TO LIST</u> THE ENTIRE SYSTEM NEEDS TO BE REPLACED
10. Have questions 8 and 9 been discussed with an engineer? (if so, state name and address)	<u>YES. GARY DEREMER AT H2O UTILITIES SERVICES, INC.</u>
11. Has an application for a construction permit been filed with the DEP? (if so, explain)	<u>No</u>
12. Department of Environmental Protection ID #	<u>6510461</u>
Water Management District ID #	<u>20 7718.01</u>

* ERC = (Total Gallons Sold / 365 days) / 350 Gallons Per Day
** Total Plant Capacity / 350 gallons

CERTIFICATION OF ANNUAL REPORT

I HEREBY CERTIFY, to the best of my knowledge and belief:

- | | | | |
|--|--------------------------------|----|--|
| YES
<input checked="" type="checkbox"/> | NO
<input type="checkbox"/> | 1. | The utility is in substantial compliance with the Uniform System of Accounts prescribed by the Florida Public Service Commission in Rule 25-30.115 (1), Florida Administrative Code. |
| YES
<input checked="" type="checkbox"/> | NO
<input type="checkbox"/> | 2. | The utility is in substantial compliance with all applicable rules and orders of the Florida Public Service Commission. |
| YES
<input checked="" type="checkbox"/> | NO
<input type="checkbox"/> | 3. | There have been no communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices that could have a material effect on the financial statement of the utility. |
| YES
<input checked="" type="checkbox"/> | NO
<input type="checkbox"/> | 4. | The annual report fairly represents the financial condition and results of operations of the respondent for the period presented and other information and statements presented in the report as to the business affairs of the respondent are true, correct, and complete for the period for which it represents. |

Items Certified

- | | | | |
|---|---|---|---|
| 1.
<input checked="" type="checkbox"/> | 2.
<input checked="" type="checkbox"/> | 3.
<input checked="" type="checkbox"/> | 4.
<input checked="" type="checkbox"/> |
|---|---|---|---|

Judson F. Lotter, President

 (signature of chief executive officer of the utility)

- | | | | |
|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| 1.
<input type="checkbox"/> | 2.
<input type="checkbox"/> | 3.
<input type="checkbox"/> | 4.
<input type="checkbox"/> |
|--------------------------------|--------------------------------|--------------------------------|--------------------------------|

 (signature of chief financial officer of the utility)

* Each of the four items must be certified YES or NO. Each item need not be certified by both officers. The items being certified by the officer should be indicated in the appropriate area to the left of the signature.

Notice: Section 837.06, Florida Statutes, provides that any person who knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his duty shall be guilty of a misdemeanor of the second degree.