

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 880670-WS
proceedings against GOLDEN BAY COLONY)	
UTILITIES CORPORATION in Volusia County)	ORDER NO. 21041
for failure to comply with 1986 annual)	
report requirements.)	ISSUED: 4-13-89

The following Commissioners participated in the disposition of this matter:

MICHAEL MCK. WILSON, CHAIRMAN
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER DECLARING PENALTY UNCOLLECTIBLE

BY THE COMMISSION:

Golden Bay Colony Utilities Corporation (Golden Bay utility) is a Class "C" privately owned water and sewer utility in Volusia County, Florida. Golden Bay was granted Certificate Nos. 386-W and 330-S by Commission Order No. 11522, issued January 20, 1983.

Golden Bay, for unknown reasons, failed to file its 1986 annual report as required by Rule 25-30.110(3), Florida Administrative Code. By Order No. 19730, issued July 26, 1988, the Commission directed Golden Bay to show cause before August 15, 1988 why it should not be fined at least \$3 per day for each day its 1986 annual report was delinquent. The utility failed to respond to Order No. 19730.

By Order No. 20431, issued December 8, 1988, the Commission assessed a \$2,500 maximum penalty against Golden Bay for its failure to file its 1986 annual report. No response has been received to Order No. 20431.

On January 27, 1989, Staff Counsel wrote a letter to the utility advising that, unless the utility made arrangements to pay the penalty by February 16, 1989, the matter would be referred to the State Comptroller's Office for collection. No response was received from the utility, nor was Staff Counsel's letter returned by the post office.

We find that further attempts by the Commission to collect the above penalty would not be cost-effective, and the matter should be referred to the State Comptroller's Office for further disposition.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the \$2,500 penalty imposed against Golden Bay Colony Utilities Corporation is hereby declared to be uncollectible. It is further

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ORDERED that this matter shall be referred to the State Comptroller's Office for further disposition. It is further

ORDERED that this docket shall remain open until final disposition.

By ORDER of the Florida Public Service Commission
this 13th day of April, 1989.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JRF

by: Kay Flynn
Chief, Bureau of Records

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.