

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Show Cause Proceedings	)	DOCKET NO. 890691-SU
against COASTAL LAND DEVELOPMENT	)	ORDER NO. 21444
CORP., d/b/a MOULTRIE SERVICE DIS-	)	ISSUED: 6-26-89
TRICT in St. Johns County for fail-	)	
ure to comply with 1987 annual re-	)	
port requirements	)	

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 TO WAIVE FINE AND CLOSE DOCKET

BY THE COMMISSION:

Coastal Land Development Corp., d/b/a Moultrie Service District, ("Coastal"), a Class C utility, did not timely file a complete 1987 annual report as required by Rule 25-30.110, Florida Administrative Code. Rule 25-30.110, Florida Administrative Code, requires utilities subject to the Commission's jurisdiction as of December 31st each year to file an annual report on or before March 31st of the following year. Requests for extension must be in writing and must be filed before March 31. One extension of 30 days is automatically granted. Longer extensions may be granted upon showing of good cause. Incomplete or incorrect reports are considered delinquent, with a 30 day grace period in which to supply the missing information.

Pursuant to Rule 25-30.110(6)(c), Florida Administrative Code, any utility that fails to timely file a complete annual report is subject to penalties absent demonstration of good cause for noncompliance. The penalty set out in Rule 25-30.110(7), Florida Administrative Code, for Class C utilities is \$3.00 per day. The penalty calculation is based on the number of days elapsed since March 31, or the approved extension date and the actual date of filing. The date of filing is included in computing the number of days elapsed. The Commission may, pursuant to Rule 25-30.110(6)(c), Florida Administrative Code, impose lesser or greater penalties.

Coastal operated a utility system subject to this Commission's jurisdiction as of December 31, 1987. On request, an automatic extension of time for filing its 1987 annual report was granted to Coastal through April 30, 1988. The report was filed on May 13, 1988.

On July 28, 1988, a letter was sent and received by certified mail, notifying Coastal of Staff's intention to recommend that the Commission issue an order directing the utility to show cause why it should not be fined for failure to timely file its 1987 annual report. The letter stated that the fine set out in Rule 25-30.117(7), Florida Administrative Code, would be \$39 (13 days x \$3 per day).

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Coastal responded by letters on August 9, 1988 and August 13, 1988. In the letters, the utility stated that it was late in filing the 1987 annual report because it had to rely on its accountant's schedule and the accountant could not meet the Commission's deadline because of tax return deadlines. The letter requested the Commission to "be more sympathetic to the time and cost it takes to actually complete an annual report."

The utility was first organized in 1987 and experienced a net loss in its first year of operation. Since Coastal has no previous experience in developing annual reports and is experiencing financial difficulties, we find it appropriate to waive the fine for the 1987 annual report. In addition we note that the utility did timely file a 1988 annual report which is currently under review by this Commission.

Based on the foregoing, it appears that Coastal has failed to comply with the 1987 annual report requirements and is in violation of Rule 25-30.110, Florida Administrative Code. However, in view of the financial difficulties and inexperience of this utility, and the fact that the utility has timely filed a 1988 annual report, we find it appropriate to waive the \$39 fine against Coastal for failure to timely file its 1987 annual report and close this docket.

Wherefore, in consideration of the foregoing, it is

ORDERED by the Florida Public Service Commission that the \$39 fine established by application of Rule 25-30.110(7), Florida Administrative Code, against Coastal Land Development Corp., d/b/a Moultrie Service District for the failure to timely file a 1987 annual report is hereby waived. It is further

ORDERED that Docket No. 890691-SU is hereby closed.

By ORDER of the Florida Public Service Commission,  
 this 26th day of JUNE, 1989.

  
 STEVE TRIBBLE, Director  
 Division of Records and Reporting

( S E A L )

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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

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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.