

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Show Cause Proceedings)
against WYNDEMERE SERVICES, INC.,)
in Collier County for failure to)
comply with 1987 annual report re-)
quirements)

DOCKET NO. 890678-WS
ORDER NO. 21725
ISSUED 8-14-89

ORDER IMPOSING FINE FOR FAILURE TO TIMELY
COMPLY WITH 1987 ANNUAL REPORT REQUIREMENTS

BY THE COMMISSION:

On June 26, 1989, in Order No. 21439, this Commission ordered Wyndemere Services, Inc., ("Wyndemere"), a Class C utility, to show cause why it should not be fined for failure to timely file its 1987 annual report as required by Rule 25-30.110, Florida Administrative Code. That order states that a failure to file a written response on or before July 17, 1989 would constitute an admission of the facts alleged and a waiver of any right to a hearing. Wyndemere did not file a response to the show cause order by July 17, 1989 as required. We have previously fined Wyndemere for its failure to file its 1986 annual report. Wyndemere, however, did file its 1986 and 1987 annual reports on July 24, 1989.

We find that Wyndemere, by its failure to file a timely written response to the show cause order, has admitted the facts alleged therein. Under Rule 25-30.110(7), Florida Administrative Code, the standard fine for a Class C utility for failure to timely file an annual report is \$3.00 per day. Order No. 21439 directed a fine of at least \$3.00 per day, to a total of \$2,500, for such failure.

There is no reason known to us why fines should not be imposed upon Wyndemere and calculated according to the Rule formula as directed by Order No. 21439. As of the date of filing the 1987 annual report, the report was 480 days late and the fine is \$1,440. Therefore, we find it appropriate to fine Wyndemere \$1,440 for failure to timely file its 1987 annual report.

In consideration of the foregoing, it is

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ORDERED by the Florida Public Service Commission that Wyndemere Services, Inc., is hereby assessed a fine of \$1,440 for failure to timely file its 1987 annual report as required by Rule 25-30.110, Florida Administrative Code.

By ORDER of the Florida Public Service Commission this 14th day of AUGUST, 1989.

STEVE TRIBBLE, Director
Division of Records & Reporting

(S E A L)

DAS

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

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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.