

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Show Cause proceedings)	DOCKET NO. 890677-WS
against COVE UTILITIES, INC. in)	ORDER NO. 21876
Lake County for failure to comply)	ISSUED: 9-11-89
with 1987 annual report requirements)	
)	

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

BY THE COMMISSION:

By Order No. 21443, issued June 26, 1989, and as amended by Order No. 21443-A, issued August 4, 1989, this Commission required Cove Utilities, Inc., ("utility"), to show cause why it should not be fined, pursuant to Rule 25-30.110, Florida Administrative Code, for failure to file its 1987 annual report. These orders provide that a failure to file a timely written response would constitute an admission of the facts alleged and a waiver of any right to a hearing. The utility did not file a response nor has it filed its 1987 annual report.

We find that the utility, by its failure to file any response to the above referenced orders, has admitted the facts alleged therein. We further find that the utility has not filed a 1987 annual report. Under Rule 25-30.110(7), Florida Administrative Code, the standard fine for a Class C utility for failure to file an annual report is \$3.00 per day. The Commission may, pursuant to Rule 25-30.110(6)(c), Florida Administrative Code, impose greater or lesser penalties.

There is no reason known to us why fines should not be imposed upon the utility and calculated according to the Rule formula. Therefore, we find it appropriate to fine the utility and that fine should continue to accrue at the rate of \$3.00 per day until the utility files its 1987 annual report or until a maximum fine of \$2,500 is reached.

In consideration of the foregoing, it is

ORDERED by the Florida Public Service Commission that Cove Utilities, Inc., is hereby assessed a fine for failure to file its 1987 annual report, which fine shall continue to accrue at

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the rate of \$3.00 per day until the utility files its annual report or until a total fine of \$2,500.00 has accrued.

By ORDER of the Florida Public Service Commission
this 11th day of SEPTEMBER, 1989.



STEVE TRIBBLE, DIRECTOR
Division of Records and Reporting

(S E A L)

DAS

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

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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.