

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the effect of 1986 Federal Tax Reform for 1988.	)	DOCKET NO. 871206-PU
	)	
	)	

In re: Investigation into the imposition of a penalty for failure to comply with the provisions of Rule 25-14.003(4), F. A. C.	)	DOCKET NO. 890430-PU
	)	ORDER NO. 21990
	)	ISSUED: 10-3-89
	)	
CROSSROADS UTILITY COMPANY, INC.	)	
	)	

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 ASSESSING PENALTIES

BY THE COMMISSION:

In Order No. 21176, issued May 8, 1989, we required Crossroads Utility Company, Inc. (Crossroads or utility) to show cause in writing why it should not be fined for failure to timely file its tax savings report, as required by Rule 25-14.003(4), Florida Administrative Code. By letter dated June 1, 1989, the utility responded, stating that its report had been mailed sometime in March of 1989, and that the utility has had no activity to date. On June 13, 1989, we requested Crossroads to determine to whom and when the report had been sent, supported by a notarized affidavit. To date, we have not received a copy of Crossroad's report, nor an affidavit supporting the utility's assertion that it mailed us the report.

Based upon the foregoing, we find it appropriate to fine Crossroads \$3.00 for each day the report is delinquent, as set forth in Order No. 21176. In our opinion, exhaustive efforts to collect the fine would not be an efficient use of this agency's resources. Therefore, if after reasonable efforts have been made to collect, and after six months from the date

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of Order No. 21176, we have not been able to collect the fine, we find it appropriate to accelerate the fine to \$1,250, deem it uncollectible, and refer it to the Comptroller's Office for further disposition.

It is, therefore,

ORDERED by the Florida Public Service Commission that Crossroads Utility Company, Inc. is hereby assessed a fine of \$3.00 for each day its tax savings report is delinquent. It is further

ORDERED that if this Commission is unable to collect the fine after reasonable efforts have been made, and after six months from the date of Order No. 21176, the fine shall be accelerated to \$1,250, deemed uncollectible and referred to the Comptroller's Office for further disposition.

By ORDER of the Florida Public Service Commission,  
 this 3rd day of October, 1989.

  
 STEVE TRIBBLE, Director  
 Division of Records and Reporting

( S E A L )

DCS

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

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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.