

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause) DOCKET NO. 890678-WS
 proceedings against WYNDEMERE SERVICES) ORDER NO. 22364
 in Collier County for failure to comply) ISSUED: 1-3-90
 with 1987 Annual Report 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 CLOSING DOCKET

BY THE COMMISSION:

Wyndemere Services, Inc. (Wyndemere or utility) is a privately owned, Class "C" utility providing water and sewer service in Collier County.

In Order No. 21439, issued June 6, 1989, the Commission directed Wyndemere to "show cause" why it should not be fined \$3 for each day its 1987 annual report was delinquent. The utility did not file a response to the show cause order by July 17, 1989, as required. The utility filed its 1987 annual report on July 24, 1989. Accordingly, a fine of \$1,440 was imposed in Order No. 21725, issued August 14, 1989.

Wyndemere failed to pay the fine in Order No. 21725 within thirty days of its assessment, as required by Rule 25-30.110(6)(d), Florida Administrative Code. The utility could have been assessed interest on its penalty in accordance with the above rule. However, the Commission, in Order No. 22123, issued November 1, 1989, found that no interest was appropriate due to apparent attempts to comply with Order No. 21725, assurances for timely filing of future annual reports, and the utility's poor financial condition. Order No. 22123 further required the utility to pay the \$1,440 fine by November 16, 1989. Wyndemere paid the fine in full on November 13,

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1989. Since the matter has been resolved, this docket may now be closed.

It is therefore,

ORDERED by the Florida Public Service Commission that this docket shall be closed.

By ORDER of the Florida Public Service Commission
this 3rd day of JANUARY, 1990.



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 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

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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.