

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 900323-TC
proceedings against ALL SEASONS)	
RESORTS, INC. for violation of)	ORDER NO. 24160
Commission Rule 26-24.520, 1989 Annual)	
Report Requirement, and Rule 25-4.043,)	ISSUED: 2/25/91
Response Requirement.)	
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The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 BETTY EASLEY
 FRANK S. MESSERSMITH
 MICHAEL McK. WILSON

ORDER RESOLVING SHOW CAUSE PROCEEDINGS

Rule 25-24.520, Florida Administrative Code, requires certificated PATS providers to file an annual report by January 31 of the following year. Order No. 23225, requiring All Seasons to show cause why it should not be fined \$100, for violation of Rule 25-24.520, was issued on July 19, 1990.

All Seasons filed a timely response to Order No. 23225. Essentially, All Seasons' response is based on an order for relief under Chapter 11 bankruptcy proceedings. Beyond the protection of the bankruptcy proceedings, All Seasons offers no other defense to the allegations made in Order No. 23225. While bankruptcy protection may well prevent collection of the fine, it does not constitute a defense nor does it prevent imposition of the fine. All Seasons fails to raise specific factual or legal arguments that would constitute an effective defense to the allegations made in Order No. 23225 nor do they request a formal hearing. The overall effect of All Seasons' response is to act as a default.

We find it appropriate to impose the fine proposed in Order No. 23225 or in the alternative permit All Seasons to voluntarily cancel their certificate. While the fine may well prove uncollectible, imposition of the fine will provide a paper trail and prevent the Commission from adopting a position of rewarding poor management.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the \$100 fine proposed in Order No. 23225 shall be levied against All Seasons Resorts, Inc. It is further

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ORDERED that All Seasons Resorts, Inc. may elect to cancel their Certificate No. 2193 as an alternative to paying the aforementioned fine. It is further

ORDERED that if All Seasons Resorts, Inc. fails to respond to this Order within 30 days, reasonable efforts shall be made to collect the fine. It is further

ORDERED that reasonable efforts to collect the fine shall consist of two certified letters requesting payment. It is further

ORDERED that if All Seasons Resorts, Inc. fails to request voluntary cancellation of its Certificate No. 2193 or pay the \$100 fine, the fine shall be referred to the Department of Banking and Finance as uncollectible and All Seasons Resort, Inc.'s Certificate No. 2193 canceled. It is further

ORDERED that this docket shall remain open pending payment of the fine or cancellation of Certificate No. 2193 after which the docket shall then be automatically closed.

By ORDER of the Florida Public Service Commission, this 25th day of FEBRUARY, 1991.



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 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

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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.