

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Service investigation)
of LANIER UTILITIES COMMISSION))
in Pasco County)
_____)

DOCKET NO. 881075-SU
ORDER NO. PSC-92-0400-FOF-SU
ISSUED: 05/26/92

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

FINAL ORDER DEEMING CERTAIN FINES UNCOLLECTIBLE,
REFERRING THE COLLECTION OF THE FINES TO THE
OFFICE OF THE COMPTROLLER AND CLOSING DOCKET

BY THE COMMISSION:

BACKGROUND

Lanier Group, Inc., d/b/a Lanier Utility Commission (the utility) was a wastewater utility operating in Pasco County under Certificate No. 280-S. Barry Lanier, owner and operator of the utility, abandoned the utility on July 15, 1988. By this act of abandonment, Mr. Lanier allowed over nine thousand gallons of sewage effluent to flow through the sewage plant without a certified operator's supervision, or treatment and disinfection, contrary to State and Federal laws. All efforts to reach Mr. Lanier since that time have been unsuccessful. Thereafter, the utility was interconnected with the City of Port Richey wastewater treatment system.

By Order No. 20884, issued March 13, 1989, this Commission revoked the utility's certificate and fined the utility, as well as Mr. Lanier individually, \$145,624. The Order also directed staff to contact the appropriate State Attorney's office for prosecution of the misdemeanor violation of abandonment, as provided for by Section 367.165 (1), Florida Statutes. This case was referred to the Office of State Attorney James T. Russell, for the 6th Judicial Circuit, by letter dated September 17, 1990. However, to date, that office has not filed any charges against Mr. Lanier.

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As stated above, by Order No. 20884, the utility and Mr. Lanier, individually, were fined \$145,624. The fine was to be collected from the utility to the extent possible. Any amount of the fine not collected from the utility was to be collected from Mr. Lanier, personally. To date, none of the fine has been collected. The Commission will not be able to collect from the Lanier Group, Inc., because it was involuntarily dissolved by the office of the Secretary of State on November 4, 1988. After efforts to locate Mr. Lanier, his whereabouts remain unknown. We find it would not be prudent to expend additional Commission resources to attempt collection of the fines. Therefore, we find that the \$145,624 fine be determined uncollectible and referred to the Comptroller's office for collection or other disposition.

We also find there is no further action to be taken in this docket. Therefore, after referral of the collection of the fines to the Office of the Comptroller, this docket may be closed.

Based on the foregoing, it is hereby

ORDERED by the Florida Public Service Commission that the \$145,624 of fines levied against Lanier Group, Inc., d/b/a Lanier Utilities Commission, and Barry Lanier, individually, are hereby deemed uncollectible. It is further

ORDERED that the uncollectible fines owed by Lanier Group, Inc., d/b/a Lanier Utilities Commission, and Barry Lanier, individually, be referred to the Office of the Comptroller for Collection. It is further

ORDERED that upon referral to the Office of the Comptroller for collection, this docket may be closed.

By ORDER of the Florida Public Service Commission, this 26th day of May, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

CB

by: Kay Hynes
Chief, Bureau of Records

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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 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 wastewater 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.