

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show) DOCKET NO. 920613-WS
cause proceedings against WATER) ORDER NO. PSC-92-0796-FOF-WS
OAK UTILITIES CO., INC. in Lake) ISSUED: 08/11/92
County for failure to remit)
penalty fee for filing)
delinquent 1990 annual report)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

ORDER CLOSING DOCKET

BY THE COMMISSION:

Water Oak Utilities Co., Inc. (Water Oak or utility) is a Class C utility, serving 566 water and wastewater customers in Lake County. Based on information in the 1991 annual report, the utility reported water system operating revenues of \$38,666 and operating expenses of \$52,583, resulting in a net operating loss of \$13,917. Based on information in the 1991 annual report, the utility reported wastewater system operating revenues of \$63,936 and operating expenses of \$75,079, resulting in a net operating loss of \$11,143.

Water Oak's 1990 annual report was received on May 24, 1991, in violation of Rule 25-30.110, Florida Administrative Code. Rule 25-30.110, Florida Administrative Code, requires utilities subject to the Commission's jurisdiction as of December 31st each year to file an annual report on or before March 31st of the following year. Requests for extension must be in writing and must be filed before March 31st. One extension of 30 days is automatically granted. Longer extensions may be granted upon showing of good cause. Incomplete or incorrect reports are considered delinquent, with a 30-day grace period in which to supply the missing information.

Pursuant to Rule 25-30.110(6)(c), Florida Administrative Code, any utility that fails to file a timely, complete annual report is

DOCUMENT NUMBER-DATE

08990 AUG 11 1992

1992 RECORDS/REPORTS

ORDER NO. PSC-92-0796-FOF-WS
DOCKET NO. 920613-WS
PAGE 2

subject to penalties, absent demonstration of good cause for noncompliance. The penalty set out in Rule 25-30.110(7), Florida Administrative Code, for Class C utilities is \$3 per day. The penalty calculation is based on the number of days elapsed since March 31, or the approved extension date, and the actual date of filing. The date of filing is included in computing the number of days elapsed. The Commission may impose lesser or greater penalties, pursuant to Rule 25-30.110(6)(c), Florida Administrative Code.

On May 20, 1991, a certified letter was sent to Water Oak indicating that its 1990 annual report had not been filed. The letter was received by Ms. Betty Estridge, Vice President of Operations, on May 23, 1991. On May 24, 1991, Ms. Estridge sent a reply that their records indicated that the annual report had been sent on March 11, 1991, but she was sending a copy with her letter. The report was received on May 24, 1991. A certified letter was sent to the utility on February 4, 1992, assessing a penalty of \$164 for 54 days of delinquency x \$3 per day and stating that the penalty was due on March 5, 1992. On February 11, 1992, Ms. Estridge sent a letter to J. Cecil Shumacker of Shumacker & Johnston, the utility's accountant. In her letter, Ms. Estridge explained that her records reflected that the report had been sent on March 7, 1991, and that their regulatory assessment fees had been sent on the same day. Mr. Shumacker submitted a copy of Ms. Estridge's letter, copies of the cancelled checks indicating that the checks had been processed on March 11, 1991, and his own letter indicating that he personally prepared and delivered the report to his client, the utility, in February 1991. Our Staff has researched the history of the utility and has not found any previous incident of a late report. Due to the foregoing, although Water Oak's 1990 annual report was not received until May 24, 1991, we do not find it appropriate to penalize Water Oaks, so we will not issue a show cause order.

Since no further action is required, this docket shall be closed.

Based on the foregoing, it is, therefore,

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

ORDER NO. PSC-92-0796-FOF-WS
DOCKET NO. 920613-WS
PAGE 3

By ORDER of the Florida Public Service Commission this 11th
day of August, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.