

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show ) DOCKET NO. 920784-WS  
cause proceedings against ST. ) ORDER NO. PSC-92-1046-FOF-WS  
GEORGE ISLAND UTILITY COMPANY, ) ISSUED: 09/23/92  
LTD. in Franklin County for )  
failure to remit penalty fee )  
for filing delinquent 1990 )  
annual report )  
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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:

St. George Island Utility Company Ltd. (St. George or utility), is a Class B utility, serving 981 water customers in Franklin County. Based on information in the 1991 annual report, the utility reported water system operating revenues of \$301,279 and operating expenses of \$326,186, resulting in a net operating loss of \$24,907.

St. George filed a delinquent 1990 annual report, 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)(a), Florida Administrative Code, any utility that fails to file a timely, complete annual report is 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 B utilities is \$13.50 per day. The penalty calculation is based on the number of days elapsed since March 31st, or the approved extension date, and the actual date of

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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.

We reviewed the utility's history and found that St. George failed to pay regulatory assessment fees for the years 1988, 1989, 1990, and 1991. The Commission has referred those fees other than for 1991 to the Comptroller for collection. In Order No. PSC-92-0478-FOF-WU, issued June 9, 1992, the Commission directed the utility to place its current regulatory assessment fees into an escrow account each month, and to pay its 1991 regulatory assessment fees, penalties, and interest on or before June 19, 1992.

St. George filed a delinquent 1990 annual report. On May 9, 1991, a letter was received from the accounting firm of Richardson & Withers which requested an additional extension of time in order to file the 1990 annual report. Richardson & Withers stated that a Commission auditor was using the company's records in conducting a company audit, and the pertinent records needed to timely prepare the report were not available. On May 13, 1991, a letter was sent to Richardson & Withers, which indicated that the request for an additional extension was denied, and the 1990 annual report was due as of April 30, 1991. The 1990 annual report was received July 29, 1991.

On January 31, 1992, a certified letter was sent to Mr. Gene Brown, attorney for St. George, which stated that the utility had been assessed penalties totalling \$1,215 for violation of Rule 25-30.110(3), Florida Administrative Code, due to the untimely filing of the 1990 annual report. The letter stated that the filing was 90 days delinquent and at \$13.50 per day, subject to a total penalty of \$1,215, which was to be paid on or before March 1, 1992.

On August 28, 1992, this Commission received a check in the amount of \$1,215 from St. George as payment of the assessed penalties for untimely filing the 1990 annual report. Therefore, we find it appropriate that this docket be closed.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that this docket is hereby closed.

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By ORDER of the Florida Public Service Commission this 23rd  
day of September, 1992.

  
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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.