

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show ) DOCKET NO. 920696-WU  
cause proceedings against ) ORDER NO. PSC-92-1125-FOF-WU  
BLANTON LAKE PARK WATER SYSTEM) ISSUED: 10/06/92  
in Pasco 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  
J. TERRY DEASON  
BETTY EASLEY  
LUIS J. LAUREDO

ORDER TO SHOW CAUSE

BY THE COMMISSION:

Blanton Lake Park Water System (Blanton Lake or utility) is a Class C utility, serving 44 water customers in Pasco County. Blanton Lake has not timely filed its 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)(c), 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 C utilities is \$3 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 filing. The date of filing is included in computing the number of days elapsed. This Commission may impose lesser or

DOCUMENT NUMBER-DATE

11633 OCT -6 1992

ORDER NO. PSC-92-1125-FOF-WU  
DOCKET NO. 920696-WU  
PAGE 2

greater penalties, pursuant to Rule 25-30.110(6)(a), Florida Administrative Code.

Blanton Lake's 1990 annual report was due on March 31, 1991. On May 20, 1991, we sent a certified letter to Mr. Steve Matala, manager of the utility, indicating that Blanton Lake's 1990 annual report had not yet been received. The letter stated that if Blanton Lake did not file its 1990 annual report on or before May 30, 1991, we might initiate show cause proceedings and the possible assessment of fines in excess of the daily rate.

The 1990 annual report was received May 28, 1991. On February 11, 1992, we mailed a certified letter to Mr. Matala, which indicated a penalty of \$174 would be due for a delinquency of 58 days at \$3 per day. In the letter, we requested that the \$174 fine be paid on or before March 12, 1992. Blanton Lake has failed to respond to our request for payment to date.

In consideration of the foregoing, it appears that Blanton Lake has failed to comply with the 1990 annual report filing requirements, and is in violation of Rule 25-30.110, Florida Administrative Code. Therefore, we hereby order Blanton Lake to show cause, in writing, within 20 days why it should not be fined for its failure to timely submit the 1990 annual report filing requirements, in violation of Rule 25-30.110, Florida Administrative Code.

If the utility fails to respond in writing to the show cause within 20 days of the issuance of this Order, the penalty of \$174 shall be imposed without further action by this Commission. The failure of the utility to file a timely response to this show cause order shall constitute both an admission of the facts alleged and a waiver of any right to a hearing.

If Blanton Lake fails to respond to reasonable collection efforts by this Commission, we deem the fine to be uncollectible and hereby authorize referral of this matter to the Comptroller's office for further collection efforts based on this Commission's finding that, under the aforesaid circumstances, further collection efforts by this Commission would not be cost effective. Reasonable collection efforts shall consist of two certified letters requesting payment.

ORDER NO. PSC-92-1125-FOF-WU  
DOCKET NO. 920696-WU  
PAGE 3

If, however, the utility responds to the show cause by remitting the \$174 penalty, no further action is required, and this docket shall be closed administratively.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Blanton Lake Park Water System, in Pasco County, shall show cause, in writing, within twenty days, why it should not be fined \$174 for failure to file its 1990 annual report as required in Rule 25-30.110, Florida Administrative Code. It is further

ORDERED that Blanton Lake Park Water System's written response must be received by the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on October 26, 1992. It is further

ORDERED that Blanton Lake Park Water System's response must contain specific allegations of fact and law. It is further

ORDERED that Blanton Lake Park Water System's opportunity to file a written response shall constitute its opportunity to be heard prior to final determination of noncompliance and assessment of penalty by this Commission, as required under Rule 25-30.110(6)(c), Florida Administrative Code. It is further

ORDERED that a failure to file a timely response to this show cause order shall constitute an admission of the facts alleged in the body of this Order and a waiver of any right to a hearing. It is further

ORDERED that in the event that Blanton Lake Park Water System files a written response, which raises material questions of fact and requests a hearing pursuant to Section 120.57, Florida Statutes, further proceedings may be scheduled before a final determination on these matters is made. It is further

ORDERED that if Blanton Lake Park Water System fails to file a timely response to this show cause order, the fine of \$174 shall be imposed, pursuant to Rule 25-30.110, Florida Administrative Code. It is further

ORDERED that if reasonable collection efforts are unsuccessful, the collection of the fine shall be forwarded to the

ORDER NO. PSC-92-1125-FOF-WU  
DOCKET NO. 920696-WU  
PAGE 4

Comptroller's Office and this docket shall be closed. It is further

ORDERED that if the utility responds to the show cause by remitting the penalty, this docket shall be closed administratively.

By ORDER of the Florida Public Service Commission this 6th day of October, 1992.

  
\_\_\_\_\_  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )  
RG