

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show) DOCKET NO. 920691-WS
cause proceedings against) ORDER NO. PSC-92-1128-FOF-WS
LANIGER ENTERPRISES OF) ISSUED: 10/06/92
AMERICA, INC. in Marion 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 CLOSING DOCKET

BY THE COMMISSION:

Laniger Enterprises of America, Inc. (Laniger or utility), is a Class C utility, serving 248 water and 436 wastewater customers in Marion County. Laniger 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 a 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

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

On March 18, 1991, we received a letter from Mr. Reginald J. Burge, a representative of the utility, which requested a 30-day extension to file its 1990 annual report. On March 19, 1991, we sent a letter to Mr. Burge approving the 30-day extension requested and indicated that the 1990 annual report would be due on or before April 30, 1991, unless a further extension was granted. The 1990 annual report was received on May 31, 1991.

On February 4, 1992, we mailed a certified letter to Mr. Burge which indicated a penalty of \$93 would be due for delinquency of 31 days at \$3 per day. In the letter, we requested that the \$93 fine be paid on or before March 5, 1992.

On September 12, 1992, Mr. Burge, by letter sent this Commission a copy of a canceled check for \$93 (dated March 3, 1992), to indicate that Laniger had, indeed, made payment of the penalty for untimely filing its 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.

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