

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of Show) DOCKET NO. 920558-WS
Cause Proceedings Against) ORDER NO. PSC-93-0015-FOF-WS
Sateke Utilities, Inc. in) ISSUED: 01/05/93
Marion County for Failure to)
Comply with 1989 Annual Report)
Requirements.)
_____)

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 PROVIDING FOR SUSPENDED FINE

BY THE COMMISSION:

BACKGROUND

Sateke Utilities, Inc. (Sateke or utility) is a Class C utility, serving 29 water and wastewater customers in Marion County. Based on information in the 1991 annual report, the utility reported water system operating revenues of \$2,745 and operating expenses of \$2,874, resulting in a net operating loss of \$129. Based on information in the 1991 annual report, the utility reported wastewater system operating revenues of \$2,135 and operating expenses of \$2,258, resulting in a net operating loss of \$123.

Sateke did not timely file its 1989 annual report, as required by 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 31 each year to file an annual report on or before March 31 of the following year. Requests for extension must be in writing and must be filed before March 31. One extension of thirty days is automatically granted. Longer extensions may be granted upon a showing of good cause. Incomplete or incorrect reports are considered delinquent, with a thirty day grace period in which to supply the missing information.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Pursuant to Rule 25-30.110(6)(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 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.

PENALTY

As of August 18, 1992, Sateke's 1989 report was 871 days late and the appropriate penalty, computed according to Rule 25-30.110, Florida Administrative Code, was \$2,613. However, consistent with the Commission's past practice, the penalty for the annual report violation was capped at \$2,500.

By Order No. PSC-92-0927-FOF-WS, issued September 3, 1992, this Commission ordered Sateke to show cause, in writing, within twenty days, why it should not be fined \$2,500 for its failure to comply with Rule 25-30.110, Florida Administrative Code. On September 24, 1992, Sateke filed its 1989 annual report.

Sateke responded timely to Order No. PSC-92-0927-FOF-WS. In its response, the utility states that it has an income of \$5,154.00, and a net loss of \$1,540.00 and that these amounts are based on less than 30 customers. The utility also states in its response that as a result of another order, Order No. PSC-92-1043-FOF-WS, issued September 23, 1992, it paid a penalty of \$1,209 for failure to remit penalty fees for filing delinquent 1988 and 1990 annual reports. The utility states that it had to borrow money to pay the \$1,209 penalty.

Since the utility has continually filed untimely annual reports in violation of Rule 25-30.110, Florida Administrative Code, we find it appropriate to impose a fine of \$2,500. However, based on the utility's response, the information found in the annual report, and the fact that the utility paid a similar penalty recently, we also find it appropriate to suspend the fine contingent upon the utility's timely filing of its 1992 annual report. If the utility does not timely file its 1992 annual

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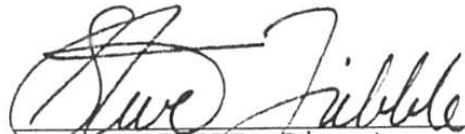
report, the penalty of \$2,500 shall be deemed levied and shall be paid immediately by the utility.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Sateke Utilities, Inc.'s fine shall be suspended contingent upon the utility's timely filing its 1992 annual report. It is further

ORDERED that this Docket remain open pending the filing of the 1992 annual report.

By ORDER of the Florida Public Service Commission this 5th day of January, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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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.