

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of Show Cause) DOCKET NO. 920608-WS
Proceedings Against ASTOR WEST,) ORDER NO. PSC-93-1419-FOF-WS
INC. in Marion County for) ISSUED: September 29, 1993
Failure to Comply With 1990)
Annual Report Requirements.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON

ORDER NOT REINSTATING SUSPENDED FINE FOR FAILURE
TO TIMELY FILE 1990 ANNUAL REPORT

BY THE COMMISSION:

Astor West, Inc. (Astor or utility) is a Class C utility serving 172 water and 34 wastewater customers in Marion County. By Order No. PSC-92-1338-FOF-WS, issued November 18, 1992, this Commission levied a fine of \$1,212 against Astor for the utility's failure to file its 1990 annual report. However, based upon information received from the utility regarding the death of the owner and sole shareholder and the commensurate problems resolving his estate, we suspended the fine of \$1,212. The suspension of the fine was subject to Astor submitting its 1990 annual report within 120 days of the date of Order No. PSC-92-1338-FOF-WS.

The 1990 annual report was filed on April 5, 1993, a total of 138 days from Order No. PSC-92-1338-FOF-WS. This is a total of 18 days more than the time granted by the Order.

Astor West, Inc. filed both its 1990 and 1991 annual reports on April 5, 1993. Through various correspondence received from the the representative, it is readily apparent that the personal representative for the estate and her attorney have made a considered effort to get the affairs of the estate and the utility in order. Therefore, in consideration of the foregoing, we have decided that the fine of \$1212 shall not be reinstated and this docket shall be closed.

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Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the suspended fine of \$1,212 not be reinstated. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 29th day of September, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

SLE

by: Kay Flynn
Chief, Bureau of Records

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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.