

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of Show Cause ) DOCKET NO. 940039-WS  
Proceedings Against LANIGER ) ORDER NO. PSC-94-0650-FOF-WS  
ENTERPRISES OF AMERICA, INC. in ) ISSUED: May 26, 1994  
Martin County for Failure to )  
Remit Penalty Fee for Filing )  
Delinquent 1991 Annual Report )  
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The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
SUSAN F. CLARK  
JULIA L. JOHNSON  
DIANE K. KIESLING  
LUIS J. LAUREDO

ORDER TO SHOW CAUSE

BY THE COMMISSION:

Laniger Enterprises of America, Inc. (Laniger or utility), is a Class C utility, serving 266 water customers and 508 wastewater customers in Martin County. Based on information in the 1991 annual report, the utility reported water system operating revenues of \$44,366 and operating expenses of \$55,786, resulting in a net operating loss of \$11,420, and wastewater system operating revenues of \$66,550 and operating expenses of \$87,501, resulting in a net operating loss of \$20,951.

Laniger filed a delinquent 1991 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 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 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)(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

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days elapsed. The Commission may impose lesser or greater penalties, pursuant to Rule 25-30.110(6)(c) Florida Administrative Code.

Laniger, a Class C utility, filed a delinquent 1991 annual report. On March 25, 1993, we mailed a certified letter to Mr. Reginald Burge, the utility's president, informing him that the utility filed its 1991 annual report on April 30, 1992, 30 days after the due date of March 31, 1992, and the resulting fine would be \$90, (30 days x \$3 per day). In the letter, we requested that the \$90 fine be paid on or before April 24, 1993. Laniger has failed to respond to our request for payment to date.

In consideration of the foregoing, it appears that Laniger has failed to comply with Rule 25-30.110, Florida Administrative Code. Therefore, we hereby order Laniger to show cause, in writing, within twenty days, why it should not be fined \$90 for its failure to timely file its 1991 annual report.

If the utility fails to respond to the show cause within twenty days of the issuance of this Order, the penalty of \$90 shall be imposed without further action by this Commission. The failure of the utility to file a timely response to the show cause order shall both constitute an admission of the facts alleged and a waiver of right to a hearing.

If Laniger fails to respond to reasonable collection efforts by this Commission, we deem the fines 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 would not be cost effective. Reasonable collection efforts shall consist of two certified letters requesting payment.

If, however, the utility responds to the show cause by remitting the \$90 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 Laniger Enterprises of America, Inc., 1662 Northeast Dixie Highway, Jensen Beach, Florida 34947, shall show cause, in writing, within twenty days why it should not be fined \$90 for failure to timely file its 1991 annual report as required by Rule 25-30.110, Florida Administrative Code. It is further

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ORDERED that Laniger Enterprises of America, Inc.'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 June 15, 1994. It is further

ORDERED that Laniger Enterprises of America, Inc.'s, response must contain specific allegations of fact and law. It is further

ORDERED that Laniger Enterprises of America, Inc.'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

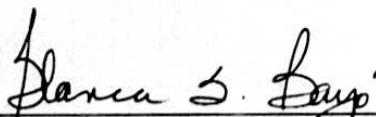
ORDERED that, in the event that Laniger Enterprises of America, Inc., files a written response which raises material questions of fact and requests a hearing pursuant to Section 120.57, Florida Statutes, further proceedings may be scheduled before a final determination on these matters is made. It is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

ORDERED that if the utility fails to timely respond to the show cause, the penalty of \$90 shall be imposed without further action by this Commission. It is further

ORDERED that if reasonable collection efforts are unsuccessful, the collection of the fines shall be forwarded to the Comptroller's office and the 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 26th day of May, 1994.

  
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BLANCA S. BAYO, Director  
Division of Records and Reporting

( S E A L )  
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