

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of Show Cause) DOCKET NO. 940036-WU
Proceedings Against SILVER CITY) ORDER NO. PSC-94-0706-FOF-WU
UTILITIES in Marion County for) ISSUED: June 8, 1994
Failure to File 1991 Annual)
Report)
_____)

The following Commissioners participated in the disposition of this matter:

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

ORDER TO SHOW CAUSE

BY THE COMMISSION:

Silver City Utilities (Silver City or utility) is a Class C utility, serving water customers in Marion County. Silver City has not filed its 1991 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 showing of good cause. Incomplete or incorrect reports are considered delinquent, with a thirty-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 days elapsed. The Commission may impose lesser or greater penalties, pursuant to Rule 25-30.110(6)(c), Florida Administrative Code.

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REG-AL REPORTING

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As of the date of our vote at the Agenda Conference held on May 17, 1994, the utility's 1991 report was 777 days late and the appropriate penalty, computed according to Rule 25-30.110, Florida Administrative Code, was \$2,331.

In consideration of the foregoing, it appears that Silver City has failed to comply with Rule 25-30.110, Florida Administrative Code. Therefore, we hereby order Silver City to show cause, in writing, within twenty days why it should not be fined \$2,331 for its failure to 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 \$2,331 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 any right to a hearing.

If Silver City 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 \$2,331 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 Silver City Utilities, 355 Princes Street, Kincardine, Ontario N2Z 2T7, in Marion County, shall show cause, in writing, within twenty days why it should not be fined \$2,331 for failure to file its 1991 annual report as required by Rule 25-30.110, Florida Administrative Code. It is further

ORDERED that Silver City Utilities' 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 28, 1994. It is further

ORDERED that Silver City Utilities' response must contain specific allegations of fact and law. It is further

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ORDERED that Silver City Utilities' 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

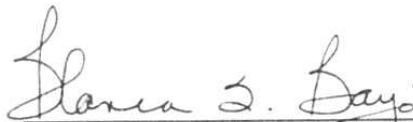
ORDERED that, in the event that Silver City Utilities files a written response which raises material questions of fact and requests a hearing pursuant to Section 120.57, Florida Statutes, further proceedings may be scheduled before a final determination on these matters is made. It is further

ORDERED that if the utility fails to timely respond to the show cause, the penalty of \$2,331 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 8th day of June, 1994.



BLANCA S. BAYO, Director
Division of Records and Reporting

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