

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of Show Cause) DOCKET NO. 940035-WU
Proceedings Against UNIVERSITY) ORDER NO. PSC-94-0751-FOF-WU
OAKS WATER SYSTEM in Levy County) ISSUED: June 20, 1994
for 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 CLOSING DOCKET

BY THE COMMISSION:

Rule 25-30.110, Florida Administrative Code, requires utilities subject to the Commission's jurisdiction as of December 31 of any year to file an annual report, or a request for an extension therefor, on or before March 31 of the following year. 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 Commission may impose lesser or greater penalties, pursuant to Rule 25-30.110(6)(c), Florida Administrative Code.

University Oaks Water System (University Oaks or utility) is a Class C utility, serving water customers in Levy County. University Oaks has failed to file its 1991 annual report, as required by Rule 25-30.110, Florida Administrative Code. University Oaks was abandoned in December, 1992, and Frank E. Woodward was appointed receiver on December 17, 1992, by the Eighth Circuit Court of Levy County. Mr. Woodward's receivership was recognized by the Commission in Order No. PSC-93-0369-FOF-WU, issued on March 9, 1993. Pursuant to this Order, the previous owner is responsible for the 1991 annual report, not Mr. Woodward. Efforts have been made to contact the prior owner, but all attempts have failed. Mr. Woodward subsequently became the owner of this utility.

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Although the 1991 annual report was not filed, Mr. Woodward has been complying with Commission rules, including filing the 1993 annual report. Therefore, in consideration of the foregoing, we find that it would serve no purpose to assess penalties.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that this docket is closed.

By ORDER of the Florida Public Service Commission, this 17th day of June, 1994.



BLANCA S. BAYO, Director
Division of Records and Reporting

(S E A L)

MSN

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 28-22.060, 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

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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.