

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of Show Cause) DOCKET NO. 940045-WS
Proceedings Against LAKE PLACID) ORDER NO. PSC-94-0837-FOF-WS
UTILITIES in Highlands County) ISSUED: July 11, 1994
for Failure to Remit Penalty Fee)
for Filing Delinquent 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 RESOLVING SHOW CAUSE PROCEEDING AND CLOSING DOCKET

Lake Placid Utilities (Lake Placid or utility) is a Class C utility, serving 136 water and 168 wastewater customers in Highlands County.

Lake Placid 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. A further extension 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 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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By Order No. PSC-94-0639-FOF-WS, issued May 25 1994, the Commission ordered Lake Placid to show cause, in writing, within twenty days, why it should not be fined \$192 for its failure to comply with Rule 25-30.110, Florida Administrative Code. On May 25, 1994, Lake Placid filed a timely response.

In its response, Lake Placid states that, in September 1991, its parent company filed for bankruptcy. As a result of this, Ms. Marika Tolz was appointed the utility's Trustee on October 1, 1991. At this time, Mr. Marshall Sanderhoff assumed the day-to-day operation of the utility. Due to the delays in the Court's approval and check-ups on the utility, the preparation and the mailing of the 1991 annual report was delayed.

The Commission has researched the history of this utility and has found that Mr. Sanderhoff has communicated with us before. In a letter dated June 3, 1992, Mr. Sanderhoff first explained that the utility was in bankruptcy. In a subsequent letter dated April 6, 1993, Mr. Sanderhoff gave reasons why the fine for the delinquent filing of the 1991 annual report should be waived.

The utility has since established a more secure position, and has apparently complied with this Commission's rules and policies, including timely filing its 1992 and 1993 annual reports.

In consideration of the foregoing, we believe that Lake Placid has shown adequate cause why it should not be fined for filing a delinquent 1991 annual report and therefore, we do not find it appropriate to fine this utility.

Since we are not fining this utility, no further action is required, and this docket is hereby closed.

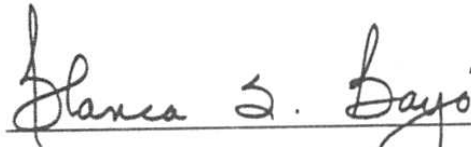
Based on the foregoing, it is,

ORDERED by the Florida Public Service Commission that this show cause proceeding against Lake Placid Utilities is hereby resolved. It is further

ORDERED that Docket No. 940045-WS is hereby closed.

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By ORDER of the Florida Public Service Commission, this 11th
day of July, 1994.



BLANCA S. BAYÓ, 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 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.