

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Show Cause Proceedings against)	DOCKET NO. 881345-WS
Golden Bay Utilities Corporation for)	
violation of Sections 367.111(2),)	ORDER NO. 20761
367.071, and 367.165, Florida Statutes)	ISSUED: 2-17-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON
 THOMAS M. BEARD
 BETTY EASLEY
 JOHN T. HERNDON

ORDER IMPOSING FINES

BY THE COMMISSION:

Commission Order No. 20286, issued November 7, 1988, directed Golden Bay Colony Utilities Corporation, ("Golden Bay" or "utility"), to show cause why it should not be fined up to \$5000 per day for violation of Sections 367.111(2), 367.071, and 367.165, Florida Statutes, and Florida Administrative Code Rules 25-30.225(5)-(7), and 25-30.250. That order states that failure to file a timely written response would constitute an admission of noncompliance with the statutory and regulatory provisions cited in the Order and a waiver of any right to a hearing. A written response to the show cause order was to be filed on or after November 28, 1988. Golden Bay has failed to file a written response.

We find that Golden Bay, by its failure to file any written response to the show cause order, has admitted to the facts and violations alleged therein. The facts described in the show cause order constitute violations in three subject areas: failure to provide safe, sufficient and efficient service; failure to comply with certificate transfer requirements; and abandonment without notice. Despite repeated requests, the utility has not complied with applicable requirements or responded to the show cause order. Section 367.161, Florida Statutes, authorizes fines up to \$5,000 for each offense and provides that each day the violation continues constitutes a separate offense. We find it appropriate to fine the utility \$1,000 for each subject area, for a total of \$3,000.

It is therefore,

ORDERED by the Florida Public Service Commission that Golden Bay Utilities Corporation, is hereby assessed a fine totalling \$3,000 for violation of Sections 367.111(2), 367.071, and 367.165, Florida Statutes, and Florida Administrative Code Rules 25-30.225(5)-(7), and 25-30.250. It is further

ORDERED that the aforesaid fine shall be paid to this Commission on or before March 22, 1989.

DOCUMENT NUMBER-DATE
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 FPSC-RECORDS/REPORTING

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By ORDER of the Florida Public Service Commission,
this 17th day of FEBRUARY, 1989.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

DAS

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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.