

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 880702-WS
proceedings against HIDEAWAY SERVICE,)	
INC. in Levy County for late filing)	ORDER NO. 21003
of 1986 annual report)	
<hr/>		ISSUED: 4-7-89

The following Commissioners participated in the disposition of this matter:

MICHAEL MCK. WILSON
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER CANCELLING FINE AND
 DISMISSING SHOW CAUSE PROCEEDING

BY THE COMMISSION

Under Rule 25-30.110(3), Florida Administrative Code, each utility which is subject to this Commission's jurisdiction as of December 31 of any year is required to file an annual report, on forms prescribed by the Commission, no later than March 31 of the following year. A utility may request an extension of time to file its report, in writing, no later than March 31. Pursuant to Rule 25-30.110(6), Florida Administrative Code, any utility which fails to file such a report or to request an extension of time to file its report on or before March 31 is subject to a penalty as set forth in Rule 25-30.110(7), Florida Administrative Code. Under Rule 25-30.110(7), Florida Administrative Code, the appropriate penalty for a Class C utility is \$3 for each day that its report is delinquent.

Hideaway Service, Inc. (Hideaway) is a utility providing water and wastewater service to the public in Levy County. At all times material to this proceeding, Hideaway was a Class C utility. Hideaway timely requested and was granted until July 31, 1987, to file its 1986 annual report. Its report was not filed until August 28, 1987.

By letter dated December 9, 1987, the staff of this Commission (Staff) informed Hideaway that its report was 28 days delinquent and that the appropriate penalty for late filing its report, computed according to Rule 25-30.110(7), Florida Administrative Code, was \$84. This letter also indicated that Staff intended to file a recommendation that this Commission initiate show cause proceedings if the appropriate penalty was not paid on or before December 24, 1987. Hideaway failed to respond to this letter.

By Order No. 19531, issued June 20, 1988, we ordered Hideaway to show cause, in writing, why it should not be fined at least \$3 per day for each day that its report was delinquent. By letter dated July 1, 1988, Hideaway responded to Order No. 19531. The essence of Hideaway's response was that Mr. McKechnie, the utility's owner, took his life on April 22, 1987, leaving Hideaway to his family. In addition, Hideaway responded that Mr. McKechnie was the person who kept all of the utility's records and that these needed to be sorted out after his death. Hideaway further responded that, although \$84 may not seem like much, it represents a lot to the utility.

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Inadvertantly, Staff never saw a copy of Hideaway's response and recommended that this Commission impose a penalty of \$84 upon Hideaway. By Order No. 19910, issued September 1, 1988, we ordered Hideaway to pay a fine of \$84 within thirty days.

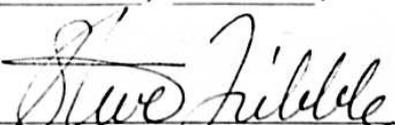
Based upon the discussion above, we believe that Hideaway has shown adequate cause why it should not be fined for its failure to timely file its 1986 annual report. Therefore, by this Order, we cancel the \$84 fine and dismiss this proceeding.

It is, accordingly,

ORDERED by the Florida Public Service Commission that the fine imposed upon Hideaway Service, Inc., pursuant to Order No. 19910, is hereby cancelled. It is further

ORDERED that Docket No. 880702-WS be and is hereby closed.

By ORDER of the Florida Public Service Commission,
this 7th day of April, 1989.



STEVE TRIBBLE, Director,
Division of Records and Reporting

(S E A L)

RJP