

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Show cause proceedings )	DOCKET NO. 880927-WS
against Cove Utilities, Inc., in )	
Lake County, for failure to )	ORDER NO.: 21007
comply with 1986 annual report )	
requirements )	ISSUED: 4-10-89
)	

The following Commissioners participated in the disposition of this matter:

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

ORDER DECLARING UNPAID PENALTIES UNCOLLECTABLE

BY THE COMMISSION:

By Order No. 20280, issued November 7, 1988, this Commission fined Cove Utilities, Inc., ("Cove"), \$3.00 per day, to a maximum of \$2,500, for its violation of Rule 25-30.110, Florida Administrative Code.

On December 22, 1988, Commission staff notified Woodlawn that the time for appeal of Order No. 20280 had lapsed and staff intended to recommend court enforcement proceedings to collect the fine. The letters were returned as undeliverable. On January 4, 1989, the Commission received a letter from Citizens National Bank, notifying that it had secured title to Cove's assets through a foreclosure sale. Department of State records indicate that Cove was involuntarily dissolved as a corporation on November 4, 1988.

Reasonable efforts to communicate with the utility and collect the fine have been exercised. The utility assets are now owned by the Citizens National Bank. Further attempts to collect from Cove would not be cost effective for this Commission. Therefore we find it appropriate to declare the fine assessed against Cove uncollectable and refer this account to the Comptroller's Office of the Department of Banking and Finance.

Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that the fine assessed by Commission Order No. 20280, against Cove Utilities, Inc., is now determined to be uncollectable. It is further

ORDERED that this account be referred to the Comptroller's Office of the Department of Banking and Finance for further collection efforts or for permission to write off this fine as uncollectable.

By ORDER of the Florida Public Service Commission, this 10th day of April, 1989.

  
 STEVE TRIBBLE, Director  
 Division of Records & Reporting

( S E A L )

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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.