

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 871308-WU
proceedings against, and investigation)	
into possible overearnings by, SEBRING)	ORDER NO. 21032
COUNTRY ESTATES WATER COMPANY in)	
Highlands County)	ISSUED: 4-12-89

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD
JOHN T. HERNDON

ORDER ON RECONSIDERATION

BY THE COMMISSION:

BACKGROUND

By Order No. 18592, issued December 23, 1987, this Commission required Sebring Country Estates Water Company (SCE) to show cause why it should not be fined up to \$5,000 per day for numerous alleged violations of Chapter 367, Florida Statutes. On January 23, 1988, SCE filed a written response to that Order, which raised questions of fact and requested that the Commission either dismiss the show cause proceedings or grant SCE a formal hearing pursuant to Section 120.57, Florida Statutes. A formal hearing was held regarding the alleged violations on July 15, 1988, in Highlands County, Florida.

By Order No. 20137, issued October 10, 1988, the Commission found SCE culpable of three violations of Section 367.111(2), Florida Statutes, one violation of Section 367.171, Florida Statutes, and ordered SCE to pay a total penalty of \$103,000. In addition, SCE was ordered to submit a description of the territory actually served by it as of July 15, 1988, in metes and bounds, and to show cause in writing why the Commission should not revoke Certificate No. 420-W.

OFFER OF SETTLEMENT

On December 22, 1988, SCE filed an offer of settlement. SCE requested that we reduce the fine from \$103,000 to \$3,000 and stated that, if the fine were reduced as requested, it would submit a territorial description of its certificated area within thirty days of our approval of its offer and have a ground pressure tank installed and operating within sixty days of our approval of its offer. SCE's offer failed to address the show cause provisions of Order No. 20137.

By Order No. 20781, issued February 20, 1989, we rejected SCE's settlement offer and initiated action to revoke Certificate No. 420-W.

MOTION FOR RECONSIDERATION

On March 7, 1989, SCE timely filed a motion for reconsideration of Order No. 20781. In its motion, SCE argues that it has always attempted to provide quality water service. Next, SCE lists a number of expenses for which it is liable, including expenses for all of the repairs it has made, for legal, accounting and engineering fees. In addition, SCE lists

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some \$85,000 in outstanding mortgages on its systems. SCE argues that it is on the brink of bankruptcy, that it still intends to go forward with a proposed transfer to Heartland Utilities, Inc. and that SCE's request that the Commission reconsider the fines is not an attempt by it to "walk away from the sale . . . with a significant profit." Further, SCE states that, notwithstanding the Commission's rejection of its settlement offer, SCE has made significant progress toward installing the Department of Environmental Regulation-required ground storage tank. Finally, SCE includes a legal description of its Sebring Country Estates system service territory and states that a legal description of the DeSoto system service territory is not yet complete.

We find that SCE's motion neither raises anything not previously considered by this Commission nor points out any error or omission in our initial disposition of its settlement offer. Accordingly, we hereby reject SCE's motion for reconsideration and affirm Order No. 20781 in all respects.

It is, accordingly,

ORDERED by the Florida Public Service Commission that Sebring Country Estates Water Company's motion for reconsideration is, hereby, denied. It is further

ORDERED that Order No. 20781 is hereby affirmed in all respects.

By ORDER of the Florida Public Service Commission, this 12th day of April, 1989.


STEVE TRIBBLE, Director,
Division of Records and Reporting

(S E A L)

RJP

NOTICE OF 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 judicial review by the

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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.