

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the effect)
of 1986 Federal Tax Reform for 1988.)
_____)

DOCKET NO. 871206-PU

In re: Investigation into the)
imposition of a penalty for failure)
to comply with the provisions of Rule)
25-14.003(4), F. A. C.)
_____)

DOCKET NO. 890430-PU

ORDER NO. 21623

ISSUED: 7-28-89

ALOHA UTILITIES, INC.)
BROADVIEW PARK WATER COMPANY)
CHERRY ESTATES, INC.)
DEBARY ASSOCIATES, INC.)
FLORIDA PUBLIC UTILITIES COMPANY)
GRAND LAGOON UTILITIES, INC.)
LINADALE WATER COMPANY)
MANGONIA PARK UTILITIES, INC.)
PASCO UTILITIES, INC.)
ROLLING ACRES ENTERPRISES, INC.)
SHORE UTILITY CORPORATION)
SPRINGS PLAZA SEWER SYSTEM, INC.)
SUNSHINE MOBILE VILLAGE, INC.)
TYMBER CREEK UTILITIES)
USEPPA ISLAND UTILITY)
_____)

The following Commissioners participated in the
disposition of this matter:

MICHAEL McK. WILSON, Chairman
BETTY EASLEY
GERALD L. GUNTER
JOHN T. HERNDON

ORDER ASSESSING PENALTIES

BY THE COMMISSION:

In Orders Nos. 21175 through 21193, issued May 8, 1989, we
required several utilities to show cause in writing why they
should not be fined for failure to timely file their tax
savings reports, as required by Rule 25-14.003(4), Florida
Administrative Code. The utilities listed in the caption of

DOCUMENT NUMBER-DATE

07575 JUL 28 1989

FPSC-RECORDS/REPORTING

ORDER NO. 21623
DOCKET NOS. 871206-PU & 890430-PU
PAGE 2

this Order have filed their tax reports and provided written responses to their show cause orders.

Aloha Utilities, Inc. and Florida Public Utilities Company were exempt from Docket No. 861145-PU, the tax savings investigation for 1987. Both utilities claimed that they did not believe they were required to file a tax report for 1988, as they were exempt from such requirement for 1987.

Mangonia Park Utility Company, Inc. (Mangonia) had its tax rate set in 1987, in Order No. 18430, at fifteen percent. Mangonia claimed that it believed it was not required to file the tax report, since its tax rate was still fifteen percent for 1988.

Broadview Park Water Company was a general partnership throughout 1988, Cherry Estates, Inc. and Rolling Acres Enterprises, Inc. were S corporations, and Linadale Water Company and Tymber Creek Utilities were partnerships. These types of entities have no tax liability.

For 1988, Grand Lagoon Utilities, Inc. and Useppa Island Utility had no tax liability, and Debary Associates, Inc. and Shore Utility Corporation had no tax expense in their rates.

The aforementioned utilities, despite their particular status or circumstances, were required to file a tax savings report. A short form was provided for these utilities, and they failed to file their reports on time. Therefore, we find it appropriate to fine these utilities in the amounts stated in their respective show cause orders. However, based upon the foregoing reasons, the penalties shall be capped at \$300 for Class A utilities, \$200 for Class B utilities, and \$100 for Class C utilities. The penalties are listed in Schedule A, which is attached to this Order and by reference incorporated herein.

In our opinion, exhaustive efforts to collect the fines assessed in this Order would not be an efficient use of this agency's resources. Therefore, if after reasonable collection efforts have been made and we have not been able to collect the fines, we find it appropriate to deem the penalties uncollectible and refer them to the Comptroller's Office for further disposition.


ORDER NO. 21623
 DOCKET NOS. 871206-PU & 890430-PU
 PAGE 3

It is, therefore,

ORDERED by the Florida Public Service Commission that the utilities listed in the caption of this Order are hereby assessed the penalties set forth in Schedule A, which is attached to this Order and by reference incorporated herein. It is further

ORDERED that if this Commission is unable to collect the fines after reasonable collection efforts have been made, the penalties shall be deemed uncollectible and referred to the Comptroller's Office for further disposition.

By ORDER of the Florida Public Service Commission,
 this 28th day of JULY, 1989.


 STEVE TRIBBLE, Director
 Division of Records and Reporting

(S E A L)

DCS

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

ORDER NO. 21623
DOCKET NOS. 871206-PU & 890430-PU
PAGE 4

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.

ORDER NO. 21623
DOCKET NOS. 871206-PU & 890430-PU
PAGE 5

SCHEDULE APENALTY SCHEDULE

| <u>UTILITY</u> | <u>CLASS</u> | <u>PENALTY</u> |
|----------------------------------|--------------|----------------|
| ALOHA UTILITIES, INC. | A | \$300.00 |
| BROADVIEW PARK WATER COMPANY | B | 200.00 |
| CHERRY ESTATES, INC. | C | 69.00 |
| DEBARY ASSOCIATES, INC. | C | 100.00 |
| FLORIDA PUBLIC UTILITIES COMPANY | B | 200.00 |
| GRAND LAGOON UTILITIES, INC. | B | 200.00 |
| LINADALE WATER COMPANY | C | 100.00 |
| MANGONIA PARK UTILITIES, INC. | B | 200.00 |
| PASCO UTILITIES, INC. | C | 87.00 |
| ROLLING ACRES ENTERPRISES, INC. | C | 69.00 |
| SHORE UTILITY CORPORATION | C | 100.00 |
| SPRINGS PLAZA SEWER SYSTEM, INC. | C | 99.00 |
| SUNSHINE MOBILE VILLAGE, INC. | C | 90.00 |
| TYMBER CREEK UTILITIES | C | 69.00 |
| USEPPA ISLAND UTILITY | C | 63.00 |