

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Show Cause Proceedings)
against SUNNYLAND UTILITIES, INC.,)
in Brevard County for failure to)
comply with 1987 Annual Report re-)
quirements)
_____)

DOCKET NO. 890679-WU
ORDER NO. 21626
ISSUED: 7-28-89

ORDER IMPOSING FINE FOR FAILURE
TO COMPLY WITH 1987 ANNUAL REPORT REQUIREMENTS

BY THE COMMISSION:

On June 19, 1989, in Order No. 21407, this Commission ordered Sunnyland Utilities, Inc., ("Sunnyland"), a Class C utility, to show cause why it should not be fined at least \$3.00 per day for failure to timely file its 1987 annual report as required by Rule 25-30.110, Florida Administrative Code. That order states that a failure to file a timely written response would constitute an admission of the facts alleged and a waiver of any right to a hearing. Sunnyland did not file any response, nor has it filed its 1987 annual report. We have previously penalized Sunnyland for failure to file its 1986 annual report.

We find that Sunnyland, by its failure to file any response to the show cause order, has admitted the facts alleged therein. We further find that Sunnyland has not filed a 1987 annual report. Under Rule 25-30.110(7), Florida Administrative Code, the standard fine for a Class C utility for failure to file an annual report is \$3.00 per day. The Commission may, pursuant to Rule 25-30.110(6)(c), Florida Administrative Code, impose greater or lesser penalties.

There is no reason known to us why fines should not be imposed upon Sunnyland and calculated according to the Rule formula. That fine should continue to accrue at the rate of \$3.00 per day until Sunnyland files its 1987 annual report or until a maximum penalty of \$2,500 has accrued.

In consideration of the foregoing, it is

ORDERED that Sunnyland Utilities, Inc., is hereby assessed a fine for late filing of its 1987 annual report, which fine shall continue to accrue at the rate of \$3.00 per day until Sunnyland files its 1987 annual report or until a total fine of \$2,500 has accrued.

DOCUMENT NUMBER-DATE

07605 JUL 28 1989

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

STEVE TRIBBLE, Director
Division of Records & Reporting

(S E A L)

DAS

by: Kay Flynn
Chief, Bureau of Records

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,

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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.