

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause	)	DOCKET NO. 880698-WU
proceedings against UTILITY SYSTEMS,	)	
INC. in Citrus, Marion and Putnam	)	ORDER NO. 22544
Counties for late filing of 1986	)	
annual report	)	ISSUED: 2-14-90
	)	

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 ASSESSING PENALTY AND REFERRING PENALTY TO COMPTROLLER FOR COLLECTION

BY THE COMMISSION:

By Order No. 19534, issued June 20, 1988, this Commission required Utility Systems, Inc. (utility) to show cause why it should not be fined pursuant to Rule 25-30.110, Florida Administrative Code, for late filing its 1986 annual report. A copy of Order No. 19534 was sent to the utility's official mailing address, a post office box in Seminole County, by certified mail. It was returned "unclaimed."

Later, we found what we believed to be the utility's street address. Accordingly, by Order No. 19534-A, issued October 21, 1988, we modified Order No. 19534 in order to allow the utility until November 10, 1988, to respond to Order No. 19534. Copies of Orders Nos. 19534 and 19534-A were sent to this address by certified mail. These were also returned "unclaimed."

We later discovered an error in the utility's street address. By Order No. 19534-B, issued May 8, 1989, we again modified Order No. 19534 in order to allow the utility until May 28, 1989, to file a response to Order No. 19534. This time, we had the Seminole County Sheriff's department serve Orders Nos. 19534 and 19534-B upon the utility. Inadvertently, however, a copy of Order No. 19534, the original order to show cause, did not get served. Accordingly, by Order No. 19534-C, issued November 20, 1989, we amended Order No. 19534 once again in order to give the utility until December 11, 1989, to

ORDER NO. 22544  
DOCKET NO. 880698-WU  
PAGE 2

respond to Order No. 19534. Once again, we had the Seminole County Sheriff's department serve Orders Nos. 19534 and 19534-C upon the utility. The Sheriff's department perfected service on December 4, 1989. The utility failed to file a response to Order No. 19534.

Since the utility has failed to demonstrate good cause for late-filing its 1986 annual report, we find it appropriate to assess a penalty of \$3 for each day that the utility's annual report was delinquent, for a total of \$843. In addition, based upon this utility's past record, it does not appear that any efforts to collect the fine will be successful. Accordingly, we find it appropriate to refer this matter immediately to the Comptroller's office.

It is, therefore,

ORDERED by the Florida Public Service Commission that a penalty of \$843 is hereby assessed against Utility Systems, Inc. for late filing its 1986 annual report. It is further

ORDERED that this matter be turned over to the Comptroller's office for further disposition. It is further

ORDERED that Docket No. 880698-WU be and is hereby closed.

By ORDER of the Florida Public Service Commission  
this 14th day of FEBRUARY, 1990.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

RJP (5614L)

ORDER NO. 22544  
DOCKET NO. 880698-WU  
PAGE 3

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.