

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for waiver of penalty)	DOCKET NO. 900961-WU
and interest added to regulatory)	ORDER NO. 24290
assessment fees for 1989, by ST. GEORGE)	ISSUED: 3/26/91
ISLAND UTILITY COMPANY, LTD. in)	
Franklin County.)	
_____)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 GERALD L. GUNTER
 J. TERRY DEASON
 MICHAEL MCK. WILSON

ORDER DENYING REQUEST FOR WAIVER OF PENALTY AND INTEREST

BY THE COMMISSION:

St. George Island Utility Company, Ltd. (utility), is a Class B water and wastewater utility operating in Franklin County. According to the 1989 Annual Report on file with the Commission, operating revenue of \$270,617 for the water system, with an operating loss of \$28,122, were reported. A wastewater certificate has been issued, but there is no system. On November 14, 1990, the utility was notified that additional regulatory assessment fees, including penalties and interest, were due for 1989. On December 6, 1990, the utility submitted an objection to the penalty and interest charges, and requested a waiver of penalty and interest charges as well as establishment of a payment schedule.

In addition to being delinquent in 1989, this utility is also delinquent in payment for 1988 regulatory assessment fees. Schedule No.1, appended to this order, details the total 1988 and 1989 regulatory assessment fees, penalties, and interest calculated through February 28, 1991, due and owing from this utility. The regulatory assessment fees for 1990 are due and payable by March 31, 1991, for the 1990 calendar year. Further, there are currently five other open dockets for this utility.

Pursuant to Sections 367.145(1)(b), and (3), Florida Statutes, the Commission is required to set by rule a regulatory assessment fee. Prior to 1990, the fees were due twice a year at the rate of 2.5% of operating revenue. Beginning in 1990, fees are due in conjunction with the filing of a utility's annual report. The

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effective rate for 1990 is 3.5%; for 1991, and thereafter, the rate is 4.5%. Pursuant to Sections 350.113(4), (5), and Section 367.161, Florida Statutes, and Rule 25-30.120, Florida Administrative Code, the Commission is required to collect interest, penalties and collection costs from a regulated company which is delinquent. Neither the Florida Statutes nor the Commission Rules provide the Commission with any discretion to waive fees, penalties or interest. Section 350.113 (5), Florida Statutes, does give us the authority, for good cause shown by written request, to extend for a period not to exceed thirty days, the filing time for paying any fee or filing any report related thereto.

The utility's request for waiver of penalty and interest is hereby denied for the following reasons: the Commission has no discretion to grant a waiver; the utility has made no effort to pay fees or file necessary regulatory assessment fee forms since October, 1988; the utility has not requested an extension of time for payment; and the purpose of the regulatory assessment fees is to pay for the cost of regulation, which includes the cost of processing this utility's six open dockets.

In denying the utility's request for waiver of penalty and interest, the utility is hereby required to pay all outstanding regulatory assessment fees, penalties and interest. We will however permit the utility to submit a proposed payment schedule which shall be filed for review and approval by staff within thirty (30) days of the date of this order.

It is, therefore,

ORDERED by the Florida Public Service Commission that the request by St. George Island Utility Company, Ltd. to waive penalty and interest is hereby denied. It is further

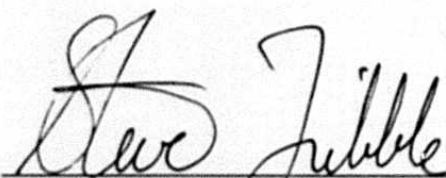
ORDERED that St. George Island Utility Company, Ltd. shall pay all outstanding regulatory assessment fees, penalties and interest as set forth in the body of this order. It is further

ORDERED that St. George Utility Company, Ltd. is hereby permitted to submit a proposed payment schedule which shall be filed for review and approval by staff within thirty (30) days of the entry of this order. It is further

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ORDERED that this docket shall be closed administratively after receipt and approval of the aforementioned proposed payment schedule.

By ORDER of the Florida Public Service Commission this 26th
day of MARCH, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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.