

VOTE SHEET

FEBRUARY 3, 1998

RE: DOCKET NO. 980099-WU - Initiation of show cause proceedings against East Marion Water Distribution, Inc. in Marion County for failure to file 1996 annual report in accordance with Rule 25-30.110(3), F.A.C.

Issue 1: Should East Marion be ordered to show cause why it should not remit a penalty in the amount of \$744 for failing to comply with Rule 25-30.110, Florida Administrative Code, in that it did not file its annual report for 1996?

Recommendation: Yes. Staff recommends that East Marion, currently owned by Mr. Hein, should be ordered to show cause in writing within 20 days why it should not remit a penalty in the amount of \$744 (\$744 for 248 days x \$3.00 per day for 1996) for violation of Rule 25-30.110, Florida Administrative Code, by failing to file its annual report for 1996. The show cause order should incorporate the conditions stated in the analysis portion of staff's January 22, 1998 memorandum. Further, East Marion should immediately file its annual report for 1996, and should be put on notice that further violations of Rule 25-30.110, Florida Administrative Code, will result in further action by the Commission.

This item was withdrawn.

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

COMMISSIONER GARCIA PARTICIPATED IN THE VOTE VIA VIDEO TELECONFERENCE. IN HIS VOTE, HE: AGREED WITH THE MAJORITY / DISSENTED. COMMISSIONER GARCIA WILL SIGN THE ORIGINAL VOTE SHEET UPON HIS RETURN TO TALLAHASSEE.

RECEIVED

01770 FEB-4 88

FILED

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Issue 2: Should this docket be closed?

Recommendation: If East Marion responds to the show cause order by filing its annual report and remitting all associated penalties, this docket should be closed administratively. If East Marion fails to timely respond to the show cause order and fails to respond to Commission staff's reasonable collection efforts, then this matter should be referred to the Comptroller's office for further collection efforts and this docket should be closed administratively. If East Marion responds to the show cause order and requests a hearing, this docket should remain open for final disposition.

See Issue 1.