

VOTE SHEET

MARCH 10, 1998

RE: DOCKET NO. 980287-WS - Initiation of show cause proceedings against Turkey Creek, Inc. & Family Diner d/b/a Turkey Creek Utilities for violation of Rule 25-30.120, F.A.C., Regulatory Assessment Fees.

Issue 1: Should Turkey Creek be ordered to show cause within 20 days why it should not remit a statutory penalty in the amount of \$613.50 and interest in the amount of \$907.98 for violation of Sections 350.113 and 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code, for failure to pay 1993 regulatory assessment fees?

Recommendation: Yes. Staff recommends that Turkey Creek should be ordered to show cause, in writing, within 20 days why it should not remit a statutory penalty in the amount of \$613.50 and \$907.98 in interest, for violation of Sections 350.113 and 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code, for failure to pay 1993 regulatory assessment fees. Further, Turkey Creek should be ordered to immediately remit \$2,454 in outstanding regulatory assessment fees for 1993. The show cause order should incorporate the conditions stated in the analysis portion of staff's 2/26/98 memorandum.

**APPROVED**

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures of majority commissioners]*

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REMARKS/DISSENTING COMMENTS:

03085 PESTLE

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Issue 2: Should this docket be closed?

Recommendation: If Turkey Creek responds to the show cause order by paying 1993 regulatory assessment fees, and remitting all associated penalties and interest, this docket should be closed administratively. If Turkey Creek 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 Turkey Creek responds to the show cause order and requests a hearing, this docket should remain open for final disposition.

**APPROVED**