



**Public Service Commission**

**-M-E-M-O-R-A-N-D-U-M-**

**DATE:** April 24, 1998  
**TO:** Steve C. Tribble, Director, Division of Administration  
**FROM:** Cleveland Ferguson, III, Staff Attorney, Division of Legal Services <sup>CF</sup>  
 Alice Crosby, Paralegal, Division of Legal Services  
**RE:** Docket No. 980098-WU - Initiation of show cause proceedings against Manatee Utilities, Inc. in Levy County for failure to file 1995 and 1996 annual reports in accordance with Rule 25-30.110(3), F.A.C., and failure to remit regulatory assessment fees for 1995 and 1996 in accordance with Rule 25-30.120, F.A.C.

On February 27, 1998, the Commission issued Final Order No. PSC-98-0334-SC-WU, in which it ordered Manatee Utilities, Inc. (Manatee or utility) to show cause, in writing within 20 days of the order, why it should not remit a penalty of \$2,967 for failing to timely file its 1995 and 1996 annual reports.

The Order also required Manatee to show cause why it should not remit \$241.74 consisting of a penalty of \$144.15, plus interest of \$97.59 for failure to pay regulatory assessment fees from 1994 through September 1, 1996. The Order further directed the utility to immediately remit \$576.61 in delinquent regulatory assessment fees for 1996 to the Commission.

	YEAR	1995	1996
ACK _____	<b>REGULATORY ASSESSMENT FEES</b>	\$284.76	\$291.85
AFA _____	<b>PENALTY FEES</b>	\$71.19	\$72.96
APP _____	<b>INTEREST</b>	\$65.49	\$32.10
CAF _____	<b>TOTAL</b>	\$421.44	\$396.91

CTR \_\_\_\_\_ The utility failed to timely respond to the Order, and in accordance with the Order, the  
 EAG \_\_\_\_\_ penalties were deemed assessed without further action by the Commission. Pursuant to the Order,  
 LEG \_\_\_\_\_ staff made reasonable collection efforts, consisting of two certified letters requesting payment,  
 LIN \_\_\_\_\_ dated March 13, 1998, and March 31, 1998. These efforts, however, were unsuccessful.

OPC \_\_\_\_\_ In light of the foregoing, we submit this matter to your office to forward the account to  
 ROH \_\_\_\_\_ the Department of Banking and Finance, Comptroller's Office, for further collection efforts.

SEC 1 \_\_\_\_\_  
 WAS \_\_\_\_\_  
 OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE  
**04903 APR 30 8**  
 FPSC RECORDS/REPORTING

The events leading to this determination are outlined below for your convenience:

1. Manatee Utilities, Inc. (Manatee or utility) is a Class C water utility operating in Levy County. Manatee provides water service to 50 customers in Chiefland County Estates. In its 1994 annual report (the last report filed by the utility), the utility reported water operating revenues of \$6,207, resulting in net operating loss of \$6,934.
2. In Order No. PSC-95-0222-FOF-WU, issued February 17, 1995, in Docket No. 941122-WU, the Commission acknowledged the abandonment of the utility by its owner, James E. Bennett, and the appointment of Frank E. Woodward as receiver. On July 3, 1996, Mr. Woodward notified the Commission of his intent to abandon Manatee.

The Commission acknowledged Mr. Woodward's abandonment effective September 1, 1996, in Order No. PSC-96-1186-FOF-WU, issued September 20, 1996. Levy County has been operating the utility since that time through an independent contractor. Pursuant to Section 367.022(2), Florida Statutes, the utility is exempt under the operation of the county. Therefore, by Order No. PSC-97-1545-FOF-WU, issued December 9, 1997, the Commission canceled Manatee's certificate, Certificate No. 411-W. In that Order, the Commission noted that Mr. Woodward had neither filed the annual reports for 1995 and 1996, nor remitted the regulatory assessment fees for the same period.

3. By letters dated July 26, 1996, July 28, 1997, November 19, 1997, and December 29, 1997, staff notified Mr. Woodward that since he had not filed the utility's 1995 and 1996 annual reports, he was in apparent violation of Rule 25-30.110, Florida Administrative Code. The utility was given a final opportunity to file the annual reports by January 19, 1998.
4. Manatee has failed to pay regulatory assessment fees since 1994. Notices of delinquency for failure to remit regulatory assessment fees were mailed to Mr. Woodward on April 15, 1996, May 30, 1997, and June 10, 1997. Mr. Woodward owes \$576.61 in outstanding regulatory assessment fees up through September 1, 1996. As of February 3, 1998, Mr. Woodward owes \$241.74 (\$144.15 in penalties and \$97.59 in interest) for a total of \$818.35.
5. On February 27, 1998, the Commission issued Final Order No. PSC-98-0334-SC-WU, in which it ordered Manatee to show cause within 20 days why it should not remit a penalty of \$2,967 for failing to file its 1995 and 1996 annual reports. The Commission further ordered Manatee to show cause why it should not remit

Steve C. Tribble, Director, Division of Administration  
April 24, 1998  
Page 3

\$41.74, consisting of a penalty of \$144.15, plus interest of \$97.59 for failure to pay regulatory assessment fees from 1994 through September 1996. Finally, the Commission directed the utility to immediately remit \$576.61 in delinquent regulatory assessment fees for 1996.

5. By letters dated March 13, 1998 and March 31, 1998, we notified Mr. Woodward that because of the utility's failure to respond to the Order, the penalties had been deemed assessed and requested payment. Mr. Woodward failed to respond to these letters.

Please find the following attached hereto:

- a. Certified Letter, April 15, 1996
- b. Certified Letter, May 30, 1997
- c. Certified Letter, November 19, 1997
- d. Certified Letter, December 29, 1997
- e. Order No. PSC-98-0334-SC-WU issued February 27, 1998
- f. Certified Letter, March 17, 1998
- g. Certified Letter, March 31, 1998
- h. State of Florida Office of the Comptroller Bureau of Auditing Delinquent Accounts Receivable Transmittal

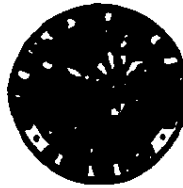
Manatee's mailing address is:

Mr. Frank Woodward, Receiver  
Manatee Utilities, Inc.  
204 Villanova Court  
Archer, Florida 32618-9513

CF/dr

cc: Division of Water and Wastewater (Dewberry, Gilchrist)  
Division of Records and Reporting  
Division of Administration (Sewell, Lake)

Commissioners  
SUSAN F. CLARK, CHAIRMAN  
J. TERRY DEASON  
JULIA L. JOHNSON  
DIANE K. KIESLING  
JOE GARCIA



STEVE TREBBLE, DIRECTOR  
DIVISION OF ADMINISTRATION  
Capital Courts Office Center  
2340 Shattuck Oak Boulevard  
Tallahassee, FL 32399-0864  
(904) 413-6100

## Public Service Commission

April 15, 1996

WU360  
Mr. Frank Woodward  
Manatee Utilities, Inc.  
P. O. Box 2286  
Chiefland, FL 32626-2286

### DELINQUENT NOTICE - WATER UTILITY

According to the Commission's records, your 1995 Regulatory Assessment Fee Filing has not been received for the period ending December 31, 1995, which was due on March 31, 1996. This is to advise that pursuant to Florida Law, interest at 12% per annum, plus a 5% penalty for each 30-day period or fraction thereof up to a maximum of 25%, will be assessed against any delinquent amount due. A Regulatory Assessment Fee Return must be filed regardless of whether there are no revenues to report.

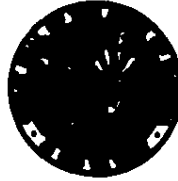
If your Regulatory Assessment Fee Filing is not received in this office by April 29, 1996, your certificate may be canceled and your account referred to the Commission's Division of Legal Services for appropriate action.

Should you have any questions, please contact Mrs. Lori Franklin at (904) 413-6267.

LF:rafm.mcs

STATE OF FLORIDA

Commissioners:  
JULIA L. JOHNSON, CHAIRMAN  
SUSAN F. CLARK  
J. TERRY DEASON  
JOE GARCIA  
DIANE K. KIESLING



DIVISION OF LEGAL SERVICES  
NOREEN S. DAVIS  
DIRECTOR  
(904) 413-6199

**Public Service Commission**

May 30, 1997

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
P 407 857 521**

Mr. Frank Woodward  
Manatee Utilities, Inc.  
P. O. Box 2286  
Chiefland, FL 32626-2286

In re: Manatee Utilities, Inc. - Delinquent Regulatory Assessment Fees

Dear Mr. Woodward:

According to our records, Manatee Utilities, Inc. has not paid regulatory assessment fees (RAFs) for 1995, as required by Section 367.145, Florida Statutes. Pursuant to Rule 25-30.120(2), Florida Administrative Code, RAFs must be paid by March 31st of each year. The Commission may impose administrative penalties plus interest for noncompliance, as provided for under Rule 25-30.120(7), Florida Administrative Code. Staff has determined that Manatee Utilities, Inc. owes the following:

<u>YEAR</u>	<u>RAFs</u>	<u>PENALTY AND INTEREST</u>	<u>TOTAL</u>
1995	\$284.76	\$116.75	\$401.51

Please submit the balance owed by check made payable to the Florida Public Service Commission. Your payment is due on or before June 10, 1997, and should be mailed with a copy of this letter to the Bureau of Fiscal Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, Attention: Evelyn Sewell.

Mr. Frank Woodward

Page 2

May 30, 1997

Pursuant to Rule 25-30.120(7)(a)(2), Florida Administrative Code, Manatee Utilities, Inc. has an ongoing responsibility to pay interest of one percent every thirty days on the unpaid balance of the RAFs. Please be aware that the above-referenced amounts have been calculated as of June 1, 1997. The amounts owed are subject to change and increase over time, and any delay in payment past June 10, 1997, may subject you to a greater amount. Furthermore, if payment is not made by the date indicated in this letter, the Division of Legal Services will initiate show cause proceedings and recommend assessment of fines in excess of the daily rate pursuant to Rule 25-30.120, Florida Administrative Code. If show cause proceedings are initiated, and the utility is found to be in violation of Commission rules, pursuant to Section 367.161, Florida Statutes, the Commission is authorized to impose fines of up to \$5,000 for each day the violation continues.

Please do not hesitate to contact me at (904) 413-6199, if you have any questions regarding the matters discussed above.

Sincerely,



Alice L. Crosby  
Paralegal

ALC:mw

cc: Division of Administration (Sewell)  
Division of Water & Wastewater (Gilchrist)



Commissioners:  
JULIA L. JOHNSON, CHAIRMAN  
J. TERRY DEASON  
SUSAN F. CLARK  
DIANE K. KIESLING  
JOE GARCIA



CAPITAL CIRCLE OFFICE CENTER  
2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL 32399-0850

## Public Service Commission

November 19, 1997

CERTIFIED MAIL - P 263 572 590  
RETURN RECEIPT REQUESTED

Manatee Utilities, Inc.  
Mr. Frank E. Woodward, Receiver/Owner  
204 Villanova Drive  
Archer, Florida 32618-9513

Re: Manatee Utilities, Inc.

Mr. Woodward:

Our records indicate that by Order No. PSC-95-0222-FOF-WU, you were appointed the receiver for the above referenced utility and that by Order No. PSC-96-1186-FOF-WU the Commission acknowledged your abandonment effective September 1, 1996. You are still responsible for filing the 1996 Annual Report. Until the 1996 Annual Report is filed in accordance with Rule 25-30.110, Florida Administrative Code, the utility is in violation and is accruing penalties.

If the 1996 Annual Report is not filed by November 26, 1997, the Division of Legal Services will recommend that the Commission initiate a show cause proceeding and recommend further fines in excess of the daily rate. If you have any questions regarding this matter please contact me at (850) 413-6185.

Sincerely,

A handwritten signature in black ink, appearing to read "Cleveland Ferguson III".

Cleveland Ferguson III  
Staff Attorney

CF/lw

cc: Division of Legal Services (Vaccaro)  
Division of Water and Wastewater (Dewberry)



STATE OF FLORIDA

Commissioners:  
JULIA L. JOHNSON, CHAIRMAN  
J. TERRY DEASON  
SUSAN F. CLARK  
DIANE K. KIESLING  
JOE GARCIA



CAPITAL CIRCLE OFFICE CENTER  
2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL 32399-0850

**Public Service Commission**

December 29, 1997

CERTIFIED MAIL - P 263 572 603  
RETURN RECEIPT REQUESTED

Manatee Utilities, Inc.  
Mr. Frank E. Woodward, Receiver/Owner  
204 Villanova Drive  
Archer, Florida 32618-9513

Re: Manatee Utilities, Inc.

Mr. Woodward:

Our records indicate that by Order No. PSC-95-0222-FOF-WU, you were appointed the receiver for the above referenced utility and that by Order No. PSC-96-1186-FOF-WU, the Commission acknowledged your abandonment effective September 1, 1996. The 1995 Annual Report should have been submitted to the Commission by March 31, 1996. Therefore, you remain responsible for filing the 1995 Annual Report. Until the 1995 Annual Report is filed in accordance with Rule 25-30.110, Florida Administrative Code, the utility is in violation and is accruing penalties.

If the 1995 Annual Report is not filed by January 9, 1998, the Division of Legal Services will recommend that the Commission initiate a show cause proceeding and recommend further fines in excess of the daily rate. If you have any questions regarding this matter please contact me at (850) 413-6185.

Sincerely,

A handwritten signature in black ink, appearing to read "Cleveland Ferguson III".

Cleveland Ferguson III  
Staff Attorney

CF/lw

cc: Division of Water and Wastewater (Dewberry)

I:\CFSHOCA\MANALET2.CF

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Manatee Utilities, Inc., in Levy County for failure to file 1995 and 1996 annual reports in accordance with Rule 25-30.110(3), F.A.C., and failure to remit regulatory assessment fees for 1995 and 1996 in accordance with Rule 25-30.120, F.A.C.

DOCKET NO. 980098-WU  
ORDER NO. PSC-98-0334-SC-WU  
ISSUED: February 27, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS, JR.

ORDER TO SHOW CAUSE AND  
REQUIRING IMMEDIATE FILING OF ANNUAL REPORTS,  
PAYMENT OF REGULATORY ASSESSMENT FEES, AND  
ALL ASSOCIATED PENALTIES AND INTEREST

BY THE COMMISSION:

BACKGROUND

Manatee Utilities, Inc., (Manatee or utility) is a Class C water utility that serves approximately 50 customers in Chiefland County Estates in Levy County. The utility operated under Certificate No. 411-W since December 9, 1983. According to the utility's 1994 annual report, the utility had total gross revenues of \$6,207 with a net operating loss of \$6,934.

In Order No. PSC-95-0222-FOF-WU, issued February 17, 1995, in Docket No. 941122-WU, the Commission acknowledged the abandonment of the utility by its owner, James E. Bennett, and the appointment

DOCUMENT NUMBER DATE

02700 FEB 27 98

FPSC-REG/REGS/REPORTING

of Frank E. Woodward as receiver. On July 3, 1996, Mr. Woodward noticed the Commission of his intent to abandon Manatee.

The Commission acknowledged Mr. Woodward's abandonment effective September 1, 1996, in Order No. PSC-96-1186-FOF-WU, issued September 20, 1996. Levy County has been operating the utility since that time through an independent contractor. Pursuant to Section 367.022(2), Florida Statutes, the utility is exempt under the operation of the county. Therefore, by Order No. PSC-97-1545-FOF-WU, issued December 9, 1997, the Commission canceled Manatee's certificate, Certificate No. 411-W. In that Order, the Commission noted that Mr. Woodward had neither filed the annual reports for 1995 and 1996, nor remitted the regulatory assessment fees for the same period. This Order addresses these issues.

#### 1995 AND 1996 ANNUAL REPORTS

Rule 25-30.110, Florida Administrative Code, requires utilities subject to the Commission's jurisdiction as of December 31 of each year to file an annual report on or before March 31 of the following year. Requests for extension of time must be in writing and must be filed before March 31. One extension of 30 days is automatically granted. A further extension may be granted upon showing of good cause. Incomplete or incorrect reports are considered delinquent, with a 30 day grace period in which to supply the missing information.

Pursuant to Rule 25-30.110(6)(c), Florida Administrative Code, any utility that fails to file a timely, complete annual report is subject to penalties, absent demonstration of good cause for noncompliance. The penalty set out in Rule 25-30.110(7), Florida Administrative Code, for Class C utilities is \$3.00 per day. We have calculated the penalty based on the number of days elapsed since March 31 and the date of the agenda. The date of the agenda is included in computing the number of days elapsed. We note that the penalty will still accrue until the utility files its annual reports.

By letters dated July 26, 1996, July 28, 1997, November 19, 1997, and December 29, 1997, staff notified Mr. Woodward that since he had not filed the utility's 1995 and 1996 annual reports, he was

in apparent violation of Rule 25-30.110, Florida Administrative Code. The utility was given a final opportunity to file the annual reports by January 19, 1998.

#### SUMMARY AND FINDINGS OF ANNUAL REPORT VIOLATIONS

Pursuant to Section 367.021(12), Florida Statutes, Mr. Woodward, as the former receiver for Manatee, is charged with the knowledge of the Commission's rules and statutes. Additionally, "[i]t is a common maxim, familiar to all minds that 'ignorance of the law' will not excuse any person, either civilly or criminally." Barlow v. United States, 32 U.S. 404, 411 (1833). Thus, any intentional act, such as the utility's failure to timely file its annual report, would meet the standard for a "willful violation." In Order No. 24306, issued April 1, 1991, in Docket No. 890216-TL titled In Re: Investigation Into The Proper Application of Rule 25-14.003, F.A.C., Relating To Tax Savings Refund for 1988 and 1989 For GTE Florida, Inc., the Commission, having found that the company had not intended to violate the rule, nevertheless found it appropriate to order it to show cause why it should not be fined, stating that "'willful' implies an intent to do an act, and this is distinct from an intent to violate a statute or rule." Id. at 6.

In consideration of the foregoing, Mr. Woodward, as former receiver for Manatee, is ordered to show cause, in writing, within 20 days why he should not remit a penalty in the amount of \$2,967 (\$2,040 for 680 days x \$3.00 per day for 1995; and \$927 for 309 days x \$3.00 per day for 1996) for violation of Rule 25-30.110, Florida Administrative Code, by failing to file the utility's annual reports for 1995 and 1996. Mr. Woodward shall immediately file the utility's annual reports for 1995 and 1996, and is hereby on notice that further violations of Rule 25-30.110, Florida Administrative Code, will result in further action by the Commission.

#### 1994 AND 1995 REGULATORY ASSESSMENT FEES

In establishing rates, the Commission includes in its determination of the revenue requirements the utility's obligation to pay regulatory assessment fees. However, this utility has failed to pay regulatory assessment fees since 1994.

Pursuant to Section 350.113(4), Florida Statutes, and Rule 25-30.120(5)(a), Florida Administrative Code, a statutory penalty plus interest shall be assessed against any utility that fails to timely pay its regulatory assessment fees, in the following manner:

1. 5 percent of the fee if the failure is for not more than 30 days, with an additional 5 percent for each additional 30 days or fraction thereof during the time in which failure continues, not to exceed a total penalty of 25 percent.
2. The amount of interest to be charged is 1% for each 30 days or fraction thereof, not to exceed a total of 12% annum.

In addition, pursuant to Sections 367.145(1)(b) and 367.161, Florida Statutes, and Rule 25-30.120(5)(b), Florida Administrative Code, the Commission may impose an additional penalty upon a utility for failure to pay regulatory assessment fees in a timely manner.

Notices of delinquency for failure to remit regulatory assessment fees were mailed to Mr. Woodward on April 15, 1996, May 30, 1997, and June 10, 1997. Mr. Woodward owes \$576.61 in outstanding regulatory assessment fees up through September 1, 1996. As of February 3, 1998, Mr. Woodward owes \$241.74 (\$144.15 in penalties and \$97.59 in interest) for a total of \$818.35.

We have calculated the penalty and interest based on the number of days elapsed since the respective regulatory assessments were due and the date of the agenda. The date of the agenda is included in computing the amount of time elapsed. We note that penalties and interest continue to accrue until the utility pays the delinquent regulatory assessment fees.

Regulatory assessment fees are intended to cover the costs incurred in our regulation of utilities. Apparently, Mr. Woodward has no inclination to pay the fees voluntarily, nor does it appear that he is making a good faith effort toward payment. As stated previously, Mr. Woodward, as receiver for Manatee, is charged with the knowledge of the Commission's rules and statutes. Thus, the

ORDER NO. PSC-98-0334-SC-WU  
DOCKET NO. 980098-WU  
PAGE 5

intentional act of failing to remit regulatory assessment fees would meet the standard for a "willful violation." Accordingly, Mr. Woodward, as former receiver for Manatee, is ordered to show cause, in writing, within 20 days why he should not remit penalties and interest in the amount of \$241.74, for his failure to remit the regulatory assessment fees for 1995 and 1996. Further, Mr. Woodward is ordered to immediately remit a total of \$576.61 in delinquent regulatory assessment fees for 1995 and 1996.

RESPONSE TO ORDER TO SHOW CAUSE AND CLOSING THE DOCKET

Mr. Woodward's response to this Order to Show Cause must contain specific allegations of fact and law. Should Mr. Woodward file a timely written response that raises material questions of fact and requests a hearing pursuant to Section 120.57(1), Florida Statutes, further proceedings shall be scheduled before a final determination on this matter is made. If he responds timely but does not request a hearing, our staff will prepare and present a recommendation to us regarding the disposition of this proceeding, and the Docket shall not be closed. If he responds to this Order by filing the annual reports, remitting the regulatory assessment fees, and all associated penalties and interest, the Docket shall be closed administratively.

A failure to file a timely written response to this Order shall constitute an admission of the facts herein alleged and a waiver of the right to a hearing. In the event Mr. Woodward fails to file a timely response to this Order, the penalties and intent are deemed assessed with no further action required by the Commission.

In that event, if Mr. Woodward fails to respond to reasonable collection efforts by our staff, the collection of fees, penalties, and interest shall be referred to the Comptroller's office for further collection efforts. Reasonable collection efforts shall consist of two certified letters requesting payment from the utility. Referral of this matter to the Comptroller's office would be based on the conclusion that further collection efforts by our staff would not be cost effective. After referral to the Comptroller's office, this docket shall be closed.

Based on the foregoing, it is therefore,

ORDERED by the Florida Public Service Commission that Mr. Woodward, as former receiver of Manatee Utilities, Inc., shall show cause, in writing, within 20 days why he should not remit a penalty in the amount of \$2,967 for violation of Rule 25-30.110, Florida Administrative Code, by failing to file the annual reports for 1995 and 1996. It is further

ORDERED that Mr. Woodward, as former receiver of Manatee Utilities, Inc., shall immediately file the utility's annual reports for 1995 and 1996. It is further

ORDERED that Mr. Woodward show cause, in writing, within 20 days why he should not remit a penalty in the amount of \$144.15 and interest in the amount of \$97.59 for violations of Rule 25-30.120(5)(b), Florida Administrative Code. It is further

ORDERED by that Mr. Woodward immediately remit \$576.61 in delinquent regulatory assessment fees for 1995 and up through September 1, 1996. It is further

ORDERED that any response to this Order to Show Cause must contain specific allegations of fact and law. It is further

ORDERED that any response to this Order to Show Cause be filed with the Director of the Division of Records and Reporting within 20 days of this Order. It is further

ORDERED that in the event that Mr. Woodward files a written response which raises material questions of fact and requests a hearing pursuant to Section 120.57, Florida Statutes, further proceedings may be scheduled before final determination is made. It is further It is further

ORDERED that if Mr. Woodward fails to file a timely response to this Order to Show Cause, such failure shall constitute an admission of the facts alleged in the body of this Order and a waiver of any right to a hearing. It is further

ORDERED that if reasonable collection efforts are unsuccessful, the collection of penalties and interest shall be forwarded to the Comptroller's office and the Docket shall be closed. It is further

ORDER NO. PSC-98-0334-SC-WU  
DOCKET NO. 980098-WU  
PAGE 7

ORDERED that if Mr. Woodward responds to this Order to Show Cause by filing the annual reports, remitting the regulatory assessment fees, penalties, and interest, the Docket shall be closed administratively. It is further

ORDERED that any payment of penalties shall be forwarded to the Comptroller's office for deposit in the State General Revenue Fund.

By ORDER of the Florida Public Service Commission this 27th day of February, 1998.

  
\_\_\_\_\_  
BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

CF

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.



ORDER NO. PSC-98-0334-SC-WU  
DOCKET NO. 980098-WU  
PAGE 8

This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.037(1), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on March 19, 1998.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing pursuant to Rule 25-22.037(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater 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 of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure.

STATE OF FLORIDA

Commissioners:  
JULIA L. JOHNSON, CHAIRMAN  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS



CAPITAL CIRCLE OFFICE CENTER  
2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL 32399-0850

**Public Service Commission**

March 17, 1998

CERTIFIED MAIL - P 263 572 625  
RETURN RECEIPT REQUESTED

Manatee Utilities, Inc.  
Mr. Frank E. Woodward, Receiver  
204 Villanova Drive  
Archer, Florida 32618-9513

Re: Docket No. 980098-WU - Initiation of show cause proceedings against Manatee Utilities, Inc., for violation of Rule 25-30.110(3), F.A.C., Annual Report, and Rule 25-30.120, F.A.C., Regulatory Assessment Fees

Mr. Woodward:

On February 27, 1998, the Florida Public Service Commission issued Order No. PSC-98-0334-SC-WU requiring you to show cause, in writing, why you should not remit a penalty of \$2,967 for failing to file Manatee Utilities, Inc.'s annual reports for 1995 and 1996 calculated as follows:

ANNUAL REPORTS		
YEAR	TIME ELAPSED	PENALTY FEES
1995	680 days (@ \$3/day)	\$2,040
1996	309 days (@ \$3/day)	\$ 927

The Order further directed you to immediately remit a total of \$576.61 in delinquent regulatory assessment fees. The Commission also ordered you to show cause why you should not

Manatee Utilities, Inc.  
Page 2  
March 17, 1998

remit an estimated penalty of \$241.74 for failing to remit regulatory assessment fees from 1994 through September 1, 1996 as outlined below:

YEAR	1995	1996
REGULATORY ASSESSMENT FEES	\$284.76	\$291.85
PENALTY FEES	\$71.19	\$72.96
INTEREST	\$65.49	\$32.10
TOTAL	\$421.44	\$396.91

The amounts of the regulatory assessment fees and penalties are an estimate calculated through September 1, 1996, the date the Commission recognized your abandonment pursuant to Order No. PSC-96-1186-FOF-WU. The estimated interest is calculated through February 1, 1998.

Your response to the Order to Show Cause should have been submitted by March 16, 1998. Because you did not file a timely response to the Order to Show Cause, the total penalty and interest amounts are deemed levied in accordance with Order No. PSC-98-0334-SC-WU.

Please submit payment in the amount of \$3,785.35 payable to the Florida Public Service Commission. Payment should be mailed with a copy of this letter by March 30, 1998, to the Division of Administration, Bureau of Fiscal Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0850, Attention: Evelyn Sewell.

If payment is not received by March 30, 1998, the Commission will refer this matter to the Comptroller's Office for further collection efforts. If you have any questions, please contact me at (850) 413-6185.

Manatee Utilities, Inc.  
Page 3  
March 17, 1998

Sincerely,

A handwritten signature in black ink, appearing to read "Cleveland Ferguson III". The signature is written in a cursive style with a horizontal line through the middle of the name.

Cleveland Ferguson III  
Staff Attorney

CF/lw

cc: Division of Records and Reporting  
Division of Water and Wastewater (Dewberry, Gilchrist)  
Division of Administration (Sewell, Lake)

\\MANALET3.CF

STATE OF FLORIDA

Commissioners:  
JULIA L. JOHNSON, CHAIRMAN  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS



P 26.3 5 12 715  
CAPITAL CIRCLE OFFICE CENTER  
2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL 32399-0850

**Public Service Commission**

March 31, 1998

Mr. Frank E. Woodward, Receiver  
Manatee Utilities, Inc.  
204 Villanova Drive  
Archer, Florida 32618-9513

VIA CERTIFIED MAIL  
FINAL NOTICE

RE: Docket No. 980098-WU - Initiation of show cause proceedings against Manatee Utilities, Inc. in Levy County for failure to file 1995 and 1996 annual reports in accordance with Rule 25-30.110(3), F.A.C., and failure to remit regulatory assessment fees for 1995 and 1996 in accordance with Rule 25-30.120, F.A.C.

Dear Mr. Woodward:

On February 27, 1998, the Florida Public Service Commission issued Order No. PSC-98-0334-SC-WU requiring you to show cause, in writing, why you should not remit a penalty of \$2,967 for failing to file Manatee Utilities, Inc.'s annual reports for 1995 and 1996 calculated as follows:

**ANNUAL REPORTS**

<u>YEAR</u>	<u>TIME ELAPSED</u>	<u>PENALTY FEES</u>
1995	680 days (@ \$3/day)	\$2,040
1996	309 days (@ \$3/day)	\$ 927

The Order further directed you to immediately remit a total of \$576.61 in delinquent regulatory assessment fees. The Commission also ordered you to show cause why you should not remit an estimated penalty of \$241.74 for failing to remit regulatory assessment fees from 1994 through September 1, 1996 as outlined below:

<u>YEAR</u>	<u>1995</u>	<u>1996</u>
<b>REGULATORY ASSESSMENT FEES</b>	\$284.76	\$291.85
<b>PENALTY FEES</b>	\$71.19	\$72.96
<b>INTEREST</b>	\$65.49	\$32.10
<b>TOTAL</b>	\$421.44	\$396.91

Manatee Utilities, Inc.  
March 31, 1998  
Page 2

The amounts of the regulatory assessment fees and penalties are an estimate calculated through September 1, 1996, the date the Commission recognized your abandonment pursuant to Order No. PSC-96-1186-FOF-WU. The estimated interest is calculated through February 3, 1998.

Your response to the Order to Show Cause should have been submitted by March 16, 1998. Because you did not file a timely response to the Order to Show Cause, the total penalty and interest amounts are deemed levied in accordance with Order No. PSC-98-0334-SC-WU.

Please submit payment in the amount of \$3,785.35 payable to the Florida Public Service Commission. Payment should be mailed with a copy of this letter by March 30, 1998, to the Division of Administration, Bureau of Fiscal Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0850, Attention: Evelyn Sewell.

If payment is not received by April 13, 1998, the Commission will refer this matter to the Comptroller's Office for further collection efforts. If you have any questions, please contact me at (850) 413-6185.

Sincerely,



Cleveland Ferguson, III  
Staff Attorney

CF/lw/dr

cc: Division of Records and Reporting  
Division of Water and Wastewater (Dewberry, Gilchrist)  
Division of Administration (Sewell, Lake)

**STATE OF FLORIDA  
OFFICE OF THE COMPTROLLER  
BUREAU OF AUDITING  
DELINQUENT ACCOUNTS RECEIVABLE TRANSMITTAL**

(PLEASE PRINT OR TYPE)

AGENCY: FLORIDA PUBLIC SERVICE COMMISSION

DATE: 04/30/98

CONTACT: EVELYN H. SEWELL, CHIEF, BUREAU OF FISCAL SERVICES

PHONE NUMBER: 413-6263

SAMAS ACCOUNT CODE: 61 20 2 573003 610000 00 000300  
61 74 1 000331 610000 00 001200

980098-WU	WOODWARD	FRANK		
AGENCY IDENTIFIER	LAST NAME	FIRST	MIDDLE	SERIAL NUMBER ONLY

MANATEE UTILITIES, INC., 204 VILLANOVA COURT, ARCHER, FLORIDA 31618-9513

LAST UNKNOWN AMOUNT (INCL. B/L 20)				
			\$2,967	\$2,967
NONE YIELD NONE	NONE YIELD NONE	PRINCIPLE AMOUNT	PENALTY/INTEREST AMOUNT	TOTAL
§ 367.121, F.S. Rule 25-30.110, F.A.C. § 367.161, F.S.			03/31/95	8
PENALTY/INTEREST AUTHORITY			DATE PAID/INCLUDED	DEBT TYPE

1995 AND 1996 ANNUAL REPORTS

DEBT DESCRIPTION, e.g. BEVERLY LICENSE, SALARY OVERPAYMENT, PROPERTY DAMAGE

ADDITIONAL INFORMATION, e.g. DATE OF BIRTH, BEVERLY LICENSE NUMBER, ETC