

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JULY 21, 1998

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

Issue 1: Should the Commission, on its own motion, modify Order No. PSC-98-0444-SC-WS, to reflect the correct amount of interest owed for Turkey Creek's failure to pay its 1993 regulatory assessment fees?

Recommendation: Yes. The Commission should modify Order No. PSC-98-0444-SC-WS, to reflect that Turkey Creek owed interest of \$1,202.46 on the date the show cause order was issued; therefore, Turkey Creek should be granted twenty days from the date of this order to respond to the show cause order, and the utility's request for extension of time to respond is moot. The utility's response should be contingent upon the conditions set forth in staff's analysis.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the majority column]

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REMARKS/DISSENTING COMMENTS:

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Issue 2: Should the Commission accept Turkey Creek's offer of settlement?

Recommendation: No. The Commission should not accept Turkey Creek's offer of settlement.

APPROVED

Issue 3: 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