

ORIGINAL

STATE OF FLORIDA

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DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(850) 413-6199

Public Service Commission

June 8, 1999

Michael Jones, Esquire
Post Office Box 90099
Gainesville, Florida 32607

VIA CERTIFIED MAIL
FIRST NOTICE

Mr. Norwood Hope
158 Turkey Creek
Alachua, Florida 32615-9572

RE: Docket No. 921098-WS - Application for certificates to provide water and wastewater service in Alachua County under grandfather rights by Turkey Creek, Inc. & Family Diner, Inc. d/b/a/ Turkey Creek Utilities.

Dear Mr. Jones and Mr. Hope:

On March 11, 1996, the Florida Public Service Commission issued Order No. PSC-96-0350-FOF-WS requiring Turkey Creek, Inc., and Family Diner, Inc., d/b/a Turkey Creek Utilities to pay a fine in the amount of \$5,000 for Turkey Creek's failure to make refunds as required by Order No. PSC-93-1769-FOF-WS. This fine would have been suspended if the utility would have deposited \$42,000 in an appropriate escrow account within three weeks of the date of the Order. However, Turkey Creek disagreed that the appropriate amount to be deposited in the escrow account was \$42,000, and timely filed its Notice of Administrative Appeal of Order No. PSC-96-0350-FOF-WS on April 10, 1996.

However, while this appeal was pending, Turkey Creek, by letter dated June 13, 1996, offered to make all refunds which it calculated to be due if the Commission would waive interest and any penalty or fine. By letter dated September 10, 1996, Turkey Creek clarified its offer of settlement, and, if the Commission would suspend all fines or penalties, offered that it would

1. Pay the full amount of the refund (\$24,576.46), without interest;
2. Make such payment to the City of Alachua (City), which now serves those customers, within 30 days of the date of the order accepting such settlement offer; and

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3. Withdraw its appeal in the First District Court of Appeal.

This offer of settlement was specifically rejected by Order No. PSC-96-1526-FOF-WS, issued on December 16, 1996. Finally, on January 27, 1997, the First District Court of Appeal dismissed Turkey Creek's appeal of Order No. PSC-96-0350-FOF-WS. See Turkey Creek, Inc. and Family Diner, Inc. v. FPSC, Case No. 96-01383, Docket No. 921098-WS. Therefore, Order No. PSC-96-0350-FOF-WS, imposing a fine in the amount of \$5,000, is a final order (Because the utility did not escrow \$42,000 within three weeks of the date of the Order, the fine was not suspended).

Please submit payment in the amount of \$5,000 payable to the Florida Public Service Commission. Payment should be mailed with a copy of this letter by July 6, 1999, 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 July 6, 1999, 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) 413-6234.

Sincerely,



Ralph R. Jaeger
Senior Attorney

RRJ/lw

cc: Division of Records and Reporting ✓
Division of Water and Wastewater (Chase)
Division of Administration (Sewell, Knight)

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