

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 7, 2000

RE: DOCKET NO. 990975-SU - Application for transfer of Certificate No. 281-S in Lee County from Bonita Country Club Utilities, Inc. to RealNor Hallandale, Inc.

Issue 1: Should BCCU be ordered to show cause, in writing within 21 days, why it should not remit a statutory penalty in the amount of \$2,466.44 and interest in the amount of \$986.86, for its failure to timely pay RAFs for 1998, in apparent violation of Section 350.113, Florida Statutes, and Rule 25-30.120(7)(a), Florida Administrative Code?

Recommendation: Yes. Staff recommends that BCCU should be ordered to show cause, in writing, within 21 days, why it should not remit a statutory penalty in the amount of \$2,466.44 and interest in the amount of \$986.58 for its failure to timely remit RAFs for 1998, in apparent violation of Section 350.113, Florida Statutes, and Rule 25-30.120(7), Florida Administrative Code. Staff recommends that the show cause order should incorporate the conditions stated below in the analysis portion of staff's October 26, 2000 memorandum.

**APPROVED**

COMMISSIONERS ASSIGNED: DS JC JB

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in the majority column]*

*[Empty lines in the dissenting column]*

REMARKS/DISSENTING COMMENTS:

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Issue 2: Should the show cause proceeding against BCCU for its failure to submit a 1998 annual report be abated?

Recommendation: Staff recommends that the Commission should abate its actions with respect to the portion of the show cause proceeding requiring BCCU to notify the Commission of a reasonable time frame for filing its 1998 annual report. In addition, staff recommends that the Commission should abate any further attempts to obtain BCCU's 1998 annual report. Staff recommends that the \$4,117.50 penalty for failing to submit a 1998 annual report should be referred to the Comptroller's Office for permission to write off the account as uncollectible.

**APPROVED**

Issue 3: Should this docket be closed?

Recommendation: If BCCU responds to the show cause order by remitting the penalties and interest for failing to timely remit its 1998 RAFs, this docket should be closed administratively. If BCCU fails to respond to the show cause order, the penalties and interest should be deemed assessed and further collection efforts should be made by Commission Staff as discussed in Issue 1. If such further collection efforts should fail, the collection of the penalties and interest should be referred to the Comptroller's Office for further collection efforts, after which time the docket should be closed administratively. If BCCU responds to the show cause order and requests a hearing, this docket should remain open for a final disposition.

**APPROVED**