

MISS...ERS:
VZ...R, CHAIRMAN
FR...Y...SON
AG...E...L...Z
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RO...E...DY...BRADLEY



OFFICE OF THE GENERAL COUNSEL
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(850) 417-6199

02 JUN 28 AM 8:30

Public Service Commission

April 18, 2002

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1,204.00-P
1,159.00-I
6/26/02

L. Holley
K. Kapoth
✓CCA

Ms. Carol Julius, Manager-Director
Mobile Manor, Inc.
40 Lantana Lane
North Fort Myers, Florida 33917-6515

VIA CERTIFIED MAIL

MC

W0167

Re: Delinquent Regulatory Assessment Fees

DEPOSIT DATE

Dear Ms. Julius: D227 JUN 28 2002

In writing to confirm our telephone conversation from Wednesday, April 17, 2002, regarding the outstanding regulatory assessment fees (RAFs), penalties, and interest owed by Mobile Manor, Inc. (Mobile Manor or Utility).

According to our records, Mobile Manor owes outstanding RAFs, plus penalties and interest, for the years 1998 through 2001. Although RAFs were paid for Mobile Manor for these years, we have confirmed that the amount paid was incorrect. This error is due to the fact that the amount paid for purchased water from Lee County was erroneously deducted from the total water operating revenues to produce an incorrect number from which the RAF amount was calculated.

Rule 25-30.120(5), Florida Administrative Code, states that any utility that purchases water and waste water from another utility regulated by the Florida Public Service Commission is allowed to deduct the annual expense for purchased water and wastewater from its gross operating revenues before calculating the amount of RAFs.

Although Mobile Manor purchases water, the water is purchased from Lee County, which is not a utility regulated by the Florida Public Service Commission. Therefore, the amount of RAFs should have been calculated without first deducting the amount spent on purchased water.

Accordingly, Mobile Manor owes outstanding RAFs for the years 1998 through 2001 for the amount erroneously deducted for purchased water. In addition, pursuant to Section 350.113(4), Florida Statutes, and Rule 25-30.120(7), Florida Administrative Code, a statutory penalty plus interest shall be assessed against any utility that fails to timely pay its RAFs, in the following manner:

- AUS _____
- CAF _____
- OMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC 1
- OTH _____

DOCUMENT NUMBER DATE

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FPSC - COMMISSION CLERK

St. Clair Julius, Manager-Director
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5 percent of the fee if the failure is for not more than 30 days or fraction thereof during the time in which failure continues, not to exceed a total penalty of 25 percent.

The amount of interest to be charged is 1 percent for each 30 days or fraction thereof, not to exceed a total of 12 percent annum.

After reviewing the available information, we have determined that Mobile Manor owes the following:

<u>YEAR</u>	<u>ADDITIONAL REVENUES</u>	<u>ADDITIONAL RAF AMOUNT</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
1998	\$41,085	\$1,542	\$386	\$586	\$2,514
1999	\$30,233	\$1,360	\$340	\$354	\$2,054
2000	\$30,496	\$1,372	\$343	\$192	\$1,907
2001	\$30,035	\$1,352	\$343	\$27	\$1,514
				TOTAL DUE	\$7,989

Pursuant to Rule 25-30.120(7), Florida Administrative Code, Mobile Manor has an ongoing responsibility to pay interest of one percent every thirty days on the unpaid balance of RAFs. The amounts shown above have been calculated as of May 31, 2002. The amounts are subject to change and increase over time, and any delay in payment past May 31, 2002, may subject Mobile Manor to additional penalties and interest. Therefore, please submit payment of \$7,989 by check made payable to the Florida Public Service Commission.

Your payment in the amount set forth above is due on or before May 31, 2002, and should be accompanied with a copy of this letter to the Fiscal Services Section, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, Attention: Karen Belcher.

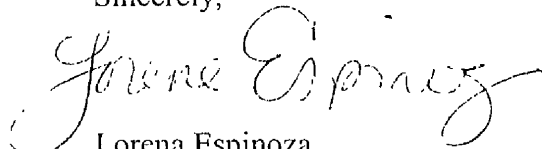
In addition, if payment has not been received by May 31, 2002, the Commission may initiate show cause proceedings. If show cause proceedings are initiated, and Mobile Manor is found to be in violation of Commission rules, pursuant to Section 367.161, Florida Statutes, the Commission is authorized to impose fines of up to \$5,000 for each day the violation continues.

Finally, if you would like to discuss a possible payment plan of the above-referenced amounts or if you have any questions regarding the matters discussed herein, please do not hesitate

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contact me at (850)413-6185. In addition, you may also contact Kathy Kaproth at (850) 413-6922
with any questions.

Sincerely,



Lorena Espinoza
Attorney

AE dm

Division of Economic Regulation (Kaproth, Mailhot)

Division of the Commission Clerk and Administrative Services (Belcher, Knight)

cc: bmo n la