



Public Service Commission
-M-E-M-O-R-A-N-D-U-M-

DATE: September 20, 2002
TO: J. Terry Deason, Commissioner
Braulio L. Baez, Commissioner
Michael A. Palecki, Commissioner
FROM: Lorena A. Holley, Senior Attorney, Office of the General Counsel
Jennifer Brubaker, Senior Attorney, Office of the General Counsel
RE: Docket No. 971622-SU - Initiation of show cause proceedings against Landmark Enterprises, Inc. in Highlands County for violation of Rule 25-30.110(3), F.A.C., Records and Reports; Annual Reports, and Rule 25-30.120, Regulatory Assessment Fees.

The purpose of this memo is to inform the Commission of events that took place subsequent to staff's recommendation being approved at the September 3, 2002 Agenda Conference, and also to alert the Commission that the Order on that recommendation, which is due Monday, September 23, will not be filed for the following reasons.

On August 22, 2002, Staff filed its recommendation in the above-referenced docket. In that recommendation, staff recommended, among other things, that the Commission initiate show cause proceedings against Landmark Enterprises, Inc. for its ongoing failure to file annual reports and pay Regulatory Assessment Fees (RAFs). Because of the nature of the recommendation, staff made certain that upon filing the recommendation, a copy was mailed to the utility owner. Staff's recommendation was subsequently approved at the Commission's September 3, 2002 Regular Agenda Conference.

Upon the conclusion of the September 3, 2002 Agenda, the owner of the utility, Mr. David Plank, contacted the General Counsel's office in person. Mr. Plank had not contacted staff prior to the Agenda, nor did he make arrangements to call in and participate by telephone; although both options had been made clear to him in prior conversations with staff. In fact, upon his arrival, Mr. Plank stated to staff that he had actually arrived after the Agenda Conference, and that it had not been his intention to participate. His purpose of coming was to personally hand-deliver a check in the amount \$3,591.54, which is the amount that was owed for the 2000 and 2001 RAFs, and also to deliver the 2001 annual report.

As staff's recommendation had already been approved by the Commission, we were unable to withdraw our recommendation. Our intention has always been to work with the utility and develop a payment plan for the delinquent RAFs, and also to obtain the information needed from the annual reports. Thus, staff is currently attempting accomplish these goals with the utility owner.

For these reasons, staff will not file on Order on the recommendation which would be due Monday, September 23, 2002, and will continue to work with the utility owner in an attempt to facilitate a payment plan, and an agreement as it relates to the annual reports. Once this is complete, staff will file a subsequent recommendation in this docket which will specify what action has been taken.

LAH/dm

cc: Division of the Commission Clerk and Administrative Services (Knight)
Division of Economic Regulation (Mailhot, Kaproth, Peacock)
Office of the General Counsel (McLean, Helton)