

**ORIGINAL**

**STATE OF FLORIDA**

COMMISSIONERS:  
LISA POLAK EDGAR, CHAIRMAN  
J. TERRY DEASON  
ISILIO ARRIAGA  
MATTHEW M. CARTER II  
KATRINA J. TEW



OFFICE OF THE GENERAL COUNSEL  
MICHAEL G. COOKE  
GENERAL COUNSEL  
(850) 413-6199

**Public Service Commission**

November 17, 2006

RECEIVED-FPSC  
05 NOV 17 AM 10:35  
COMMISSION  
CLERK

Mr. Joseph E. Brannon  
Certified Public Accountant  
106 N.E. 14th Avenue  
Ocala, Florida 33470-6857

**CERTIFIED MAIL**

**Re: Delinquent 2005 Annual Report for East Marion Sanitary Systems, Inc. (SU535 & WU536)**

Dear Mr. Brannon:

By letters dated July 12, 2006, and August 30, 2006, staff advised East Marion Sanitary Systems, Inc. (East Marion) that it had not yet filed its annual report for the year 2005. Pursuant to Rule 25-30.110, Florida Administrative Code, failure to timely file an annual report subjects a utility to a penalty of \$3 per day for each day the report is late unless the utility can demonstrate good cause for the noncompliance. Until the utility files the annual report, it is subject to the continued accrual of the \$3 per day penalty.

Pursuant to Rule 25-30.110(3), Florida Administrative Code, annual reports are due on March 31 of each year. East Marion requested and was granted an extension, making the 2005 annual report due on May 16, 2006. Because the utility has failed to file the annual report in a timely manner, the utility has accrued penalties, as provided by Rule 25-30.110(6) and (7), Florida Administrative Code. Rule 25-30.110(7)(b), Florida Administrative Code, states, in part, "the penalty for delinquent annual reports shall accrue based on the utility's classification. . ." The applicable penalty for East Marion, as a Class C utility, is set forth below.

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_
- SEC
- OTH \_\_\_\_\_

Year	Time Elapsed	Penalty Fees (\$3.00 per day)
2005	185 days	\$555.00
<b>TOTAL</b>		<b>\$555.00</b>

The above-referenced penalty has been calculated as of November 17, 2006. Please submit the 2005 Annual Report and payment in the amount of \$555.00 by check made payable to the Florida Public Service Commission.

RECEIVED & FILED  
  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER - DATE  
10540 NOV 17 06  
FPSC-COMMISSION CLERK

Mr. Joseph E. Brannon  
Page 2  
November 17, 2006

Your payment of the amount set forth above is due on or before December 18, 2006, and should be mailed with a copy of this letter to the Bureau of Administrative Services, Fiscal Services Section, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, Attention: Valerie Moore.

If the utility's 2005 Annual Report and payment in the above amount is not received by December 18, 2006, the Commission may initiate show cause proceedings. If East Marion is ultimately found to be in violation of Commission rules, the Commission is authorized to impose fines of up to \$5,000 for each day the violation continues.

Your attention to this matter is greatly appreciated. If you have any questions or if I can be of any further assistance please contact me at (850) 413-6218.

Sincerely,



Katherine E. Fleming  
Office of the General Counsel

KEF

cc: Division of the Commission Clerk and Administrative Services (Moore, Tully)  
Division of Economic Regulation (Devlin, Kaproth, Daniel)