

VOTE SHEET

JUNE 16, 1998

RE: DOCKET NO. 980678-WU - Initiation of show cause proceedings against Gem Estates Utilities, Inc., in Pasco County for violation of Rule 25-30.110(3), F.A.C., Annual Report, and Rule 25-30.120, F.A.C., Regulatory Assessment Fees.

Issue 1: Should Gem Estates be ordered to show cause, in writing, within 20 days, why it should not remit a penalty in the amount of \$3,888 for failing to comply with Rule 25-30.110, Florida Administrative Code, in that it did not file its annual reports from 1995-1997?

Recommendation: Yes. Staff recommends that Gem Estates should be ordered to show cause, in writing, within 20 days, why it should not remit a penalty in the amount of \$3,888 (\$2,331 for 777 days x \$3.00 per day for 1995; \$1,326 for 442 days x \$3.00 for 1996; \$231 for 77 days x \$3.00 for 1997) for violation of Rule 25-30.110, Florida Administrative Code, by failing to file its annual reports from 1995-1997. The show cause order should incorporate the conditions stated in the staff analysis portion of staff's memorandum dated June 4, 1998. Further, Gem Estates should immediately file the annual reports from 1995-1997 and should be put on notice that further violations of Rule 25-30.110, Florida Administrative Code, will result in further action by the Commission.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in blue and red ink over horizontal lines]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

06375 JUN 17 88

FPSC-RECORDS/REPORTING

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Issue 2: Should Gem Estates be ordered to show cause, in writing, within 20 days, why it should not remit a statutory penalty in the amount of \$399.28 and interest in the amount of \$271.10 for violation of Sections 350.113 and 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code, for failure to remit regulatory assessment fees for 1995-1997, and penalty and interest of \$12.38 from failure to timely remit 1992 and 1993 regulatory assessment fees?

Recommendation: Yes. Staff recommends that Gem Estates be ordered to show cause, in writing, within 20 days, why it should not remit a statutory penalty in the amount of \$399.28 (\$139.50 for 1995; \$142.97 for 1996; \$116.81 for 1997) and interest in the amount of \$271.10 (\$156.24 for 1995; \$91.50 for 1996; \$23.36 for 1997) for violation of Sections 350.113 and 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code, for failure to remit regulatory assessment fees. Staff also recommends that Gem Estates be ordered to show cause, in writing, within 20 days, why it should not remit a statutory penalty and interest of \$12.38 for failure to timely remit 1992 and 1993 regulatory assessment fees. Further, Gem Estates should be ordered to immediately remit \$1,713.96 (\$558 for 1995, \$571.89 for 1996; and \$584.07 for 1997) in regulatory assessment fees. The show cause order should incorporate the conditions stated in the staff analysis portion of staff's memorandum.

APPROVED

Issue 3: Should this docket be closed?

Recommendation: If Gem Estates responds to the show cause order by filing the annual reports, paying regulatory assessment fees, and remitting all associated penalties and interest, this docket should be closed administratively. If Gem Estates fails to timely respond to the show cause order and fails to respond to Commission staff's reasonable collection efforts, then this matter should be referred to the Comptroller's office for further collection efforts and this docket should be closed administratively. If Gem Estates responds to the show cause order and requests a hearing, this docket should remain open for final disposition.

APPROVED