

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JANUARY 19, 1999

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 the Commission modify Order No. PSC-98-0905-SC-WU and order that outstanding regulatory assessment fees, penalties, and interest be a lien on the real and personal property of the utility and its directors?

Recommendation: Yes. Staff recommends that Order No. PSC-98-0905-SC-WU be modified and that pursuant to Section 367.161, Florida Statutes, the penalty for delinquent annual reports and regulatory assessment fees set forth in that order be a lien on the real and personal property of the utility, enforceable by the Commission as a statutory lien under Chapter 85, Florida Statutes. Pursuant to Chapter 85, the proceeds of such lien should be deposited by the Commission in the General Revenue Fund Unallocated Account.

Further, staff recommends that Order No. PSC-98-0905-SC-WU be modified so that delinquent regulatory assessment fees be recorded as a lien on the real and personal property of the utility and its directors, and should be enforceable as a lien upon being duly recorded with the Clerk of the County Court in Pasco County pursuant to Section 55.10, Florida Statutes. The

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures in blue ink on the majority side, including names like Susan J. Clark and Joe Sarca.

Blank lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

Blank lines for remarks or dissenting comments.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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Commission should provide notice to the utility and its directors of such lien pursuant to Section 55.10, Florida Statutes. The Commission should pursue collection efforts as appropriate pursuant to Section 69.041, Florida Statutes. The proceeds of such lien should be deposited in the Florida Public Service Commission Regulatory Trust Fund, pursuant to Section 350.113, Florida Statutes.

APPROVED

Issue 2: Should this docket be closed?

Recommendation: Yes. Once the Commission's modifying order has been appropriately filed with the Clerk of the County Court of Pasco County and the liens recorded, this docket should be closed administratively.

APPROVED