

STATE OF FLORIDA

Commissioners:
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DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(850) 413-6199

Public Service Commission

June 15, 2000

Mr. Jim Bell, President
DECCA
11637 S.W. 90th Terrace
Ocala, Florida 34481-3568

Re: Request for Waiver of Penalties on Regulatory Assessment Fees for Pine Run Utilities Inc. and Decca Utilities, a Division of Decca

Dear Mr. Bell:

We have received your letter to Ms. Mary Ann Kelly dated June 12, 2000, requesting waiver of penalties on delinquent 1998 regulatory assessment fees (RAFs).

Section 367.145(1), Florida Statutes, states that "[t]he commission shall set by rule a regulatory assessment fee that each utility must pay once a year" Moreover, Section 350.113(4), Florida Statutes, states that "[t]he commission shall collect the fee and penalty, plus interest and all costs of collection, from the regulated company." The Commission cannot waive this statutory mandate to collect RAFs, penalty, interest, and all costs of collection. Consequently, Pine Run and Decca Utilities must remit the statutory penalties and interest for the period March 31, 1999 to May 13, 1999, immediately.

Please be aware that the opinions contained herein are the informal opinions of the Division of Legal Services and in no way bind the Commission. Should you have additional questions, please feel free to contact me at (850) 413-6199. If you have any questions regarding the amount due, please contact Ms. Mary Ann Kelley at (850) 413-6267.

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cc: Division of Administration (Sewell)

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Sincerely,

Jason K. Fudge
Jason K. Fudge
Staff Attorney

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