

ORIGINAL

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Public Service Commission

COMMISSION  
CLERK

January 5, 2005

CERTIFIED MAIL

Mr. Herbert Hein  
East Marion Sanitary Systems, Inc.  
G-4225 Miller Road, #190  
Flint, Michigan 48507-1227

050000

Re: Delinquent 2003 Annual Report and Associated Penalties

Dear Mr. Hein:

By letter dated July 13, 2004, staff advised East Marion Sanitary Systems, Inc. that it had not yet filed its annual report for the year 2003. 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 Sanitary Systems, Inc. requested and was granted an extension, making the 2003 annual report due on May 31, 2004. 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 Sanitary Systems, Inc., as a Class C utility, is set forth below.

Year	Time Elapsed	Penalty Fees (\$3.00 per day)
2003	218 days	\$654.00
	<b>TOTAL</b>	<b>\$654.00</b>

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SEC   1
- OTH \_\_\_\_\_

The above-referenced penalty has been calculated as of January 5, 2005. Please submit the 2003 Annual Report and payment in the amount of \$654.00 by check made payable to the Florida Public Service Commission.

Your payment of the amount set forth above is due on or before February 2, 2005, and should be mailed with a copy of this letter to the Bureau of Fiscal Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

DOCUMENT NUMBER - DATE

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If the utility's 2003 Annual Report and payment in the above amount is not received by February 2, 2005, Commission staff will be opening a docket to initiate show cause proceedings. If East Marion Sanitary Systems, Inc. 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 in this matter is greatly appreciated, and if you have any questions or if I can be of any further assistance please contact me at (850) 413-6189.

Sincerely,



Jennifer A. Rodan

Attorney

cc: Division of Economic Regulation (Slemkewicz, Brinkley)