

VOTE SHEET

FEBRUARY 3, 1998

RE: DOCKET NO. 980098-WU - Initiation of show cause proceedings against Manatee Utilities, Inc. in Levy County for failure to file 1995 and 1996 annual reports in accordance with Rule 25-30.110(3), F.A.C., and failure to remit regulatory assessment fees for 1995 and 1996 in accordance with Rule 25-30.120, F.A.C.

Issue 1: Should Mr. Woodward be ordered to show cause why he should not remit a penalty in the amount of \$2,967 for failing to comply with Rule 25-30.110, Florida Administrative Code, in that he did not file the utility's annual reports for 1995 and 1996?

Recommendation: Yes. Staff recommends that Mr. Woodward, former owner of Manatee, be ordered to show cause in writing within 20 days why he should not remit a penalty in the amount of \$2,967 (\$2,040 for 680 days x \$3.00 per day for 1995; \$927 for 309 days x \$3.00 for 1996) for violation of Rule 25-30.110, Florida Administrative Code, by failing to file the utility's annual reports for 1995 and 1996. The show cause order should incorporate the conditions stated in the analysis portion of staff's January 22, 1998 memorandum. Further, Mr. Woodward should immediately file the annual reports for 1995 and 1996, 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 the majority column, including 'Susan J. Clark'.

Blank lines in the dissenting column.

Vertical stamp: 01769 FEB-4 98

REMARKS/DISSENTING COMMENTS:

COMMISSIONER GARCIA PARTICIPATED IN THE VOTE VIA VIDEO TELECONFERENCE. IN HIS VOTE, HE: AGREED WITH THE MAJORITY / DISSENTED. COMMISSIONER GARCIA WILL SIGN THE ORIGINAL VOTE SHEET UPON HIS RETURN TO TALLAHASSEE.

VOTE SHEET

FEBRUARY 3, 1998

DOCKET NO. 980098-WU - Initiation of show cause proceedings against Manatee Utilities, Inc. in Levy County for failure to file 1995 and 1996 annual reports in accordance with Rule 25-30.110(3), F.A.C., and failure to remit regulatory assessment fees for 1995 and 1996 in accordance with Rule 25-30.120, F.A.C.

(Continued from previous page)

Issue 2: Should Mr. Woodward be ordered to show cause within 20 days why he should not remit a statutory penalty in the amount of \$144.15 and interest in the amount of \$97.59, for violation of Sections 350.113 and 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code, for failure to pay regulatory assessment fees for 1995 and 1996?

Recommendation: Yes. Staff recommends that Mr. Woodward, former owner of Manatee, be ordered to show cause in writing within 20 days why it should not remit a statutory penalty in the amount of \$144.15 (\$71.19 for 1995 and \$72.96 for 1996) and \$97.59 in interest (\$65.49 for 1995 and \$32.10 for 1996), for violation of Sections 350.113 and 367.145, Florida Statutes, and Rule 25-30.120, Florida Administrative Code, for failure to pay regulatory assessment fees in 1995. Further, Mr. Woodward should be ordered to immediately remit \$576.61 in outstanding regulatory assessment fees (\$284.76 for 1995 and \$291.85 for 1996). The show cause order should incorporate the conditions stated in the analysis portion of staff's memorandum.

APPROVED

Issue 3: Should this docket be closed?

Recommendation: If Mr. Woodward, former owner of Manatee, 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 Mr. Woodward 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 Mr. Woodward responds to the show cause order and requests a hearing, this docket should remain open for final disposition.

APPROVED