

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show Cause)	DOCKET NO. 890687-WU
Proceedings against WEST VOLUSIA)	
UTILITIES, INC. in Volusia County)	ORDER NO. 22623
for failure to comply with 1987)	
annual report requirements)	ISSUED: 3-1-90
_____)		

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER ACKNOWLEDING PAYMENT OF PENALTY
 AND CLOSING DOCKET

BY THE COMMISSION:

Under Rule 25-30.110, Florida Administrative Code, each water and/or wastewater utility which is subject to this Commission's jurisdiction as of December 31 of any year is required to file an annual report for that year on or before March 31 of the following year. Also under the rule, any utility that fails to file a completed annual report or request an extension of time therefor, on or before March 31, is subject to the penalties prescribed therein. The penalty for a Class C utility is \$3 per day. This Commission may, at its discretion, impose a greater or lesser penalty than those prescribed by rule.

West Volusia Utilities, Inc. (West Volusia) was, at all times material hereto, a Class C utility. West Volusia did not file its 1987 annual report until June 27, 1989, or 453 days late. Accordingly, by Order No. 21745, issued August 18, 1989, we required West Volusia to show cause why it should not be fined for late-filing its 1987 annual report; however, due to extenuating circumstances, we found it appropriate to require West Volusia to show cause why it should not be fined \$1 per day rather than \$3 per day.

DOCUMENT NUMBER-DATE

01899 MAR -1 1990

FPSC-RECORDS/REPORTING

ORDER NO. 22623
DOCKET NO. 890687-WU
PAGE 2

On September 12, 1989, the utility filed a written response to Order No. 21745. Although the response was due on September 11, 1989, we accepted it nonetheless. West Volusia's response did not dispute the facts alleged in Order No. 21745. Rather, it provided further detail of the extenuating circumstances and requested that the penalty be waived.

By Order No. 22119, issued October 31, 1989, we rejected West Volusia's suggestion that the penalty be waived and imposed a fine of \$1 per day, for a total of \$453, for the utility's failure to timely file its 1987 annual report.

On November 27, 1989, we received West Volusia's payment of the penalty. Accordingly, nothing remains to be done in this docket.

It is, therefore,

ORDERED by the Florida Public Service Commission that Docket No. 890687-WU be and is hereby closed.

By ORDER of the Florida Public Service Commission this 1st day of MARCH, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RJP

ORDER NO. 22623
DOCKET NO. 890687-WU
PAGE 3

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.