

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of ST. GEORGE)	DOCKET NO. 871177-WU
ISLAND UTILITY COMPANY, Ltd. for)	
increased rates and service)	ORDER NO. 24350
availability charges for water)	
service in Franklin County)	ISSUED: 4-11-91
_____)	

ORDER REQUIRING PRODUCTION OF RECORDS

By Order No. 21122, issued April 24, 1989, we approved increased rates for water service provided by St. George Island Utility Company, Ltd. (St. George), implemented a moratorium against further connections, and required that St. George make a number of physical and recordkeeping improvements. We further informed St. George that we would order it to show cause why it should not be fined if it failed to comply with the requirements of Order No. 21122.

On June 6, 1990, by Order No. 23038, we required St. George to show cause why it should not be fined for allegedly violating the moratorium as well as other requirements of Order No. 21122. Based upon its response to our show cause order, the matter was set for hearing. During the pendency of the show cause proceedings, St. George drafted and submitted an offer of settlement. By Order No. 23649, issued October 22, 1990, we accepted the offer of settlement.

As a part of the process of reviewing the status of the moratorium and compliance with the settlement agreement, Commission staff initiated an audit of St. George. Staff made 15 document requests from March 27th through April 4, 1991 which had due dates varying from March 27th through April 9, 1991. St. George complied with requests nos. 3, 5, 6, 10 and partially responded to request No. 2. It has not responded to the remainder.

By letter dated March 25, 1990, Mr. Gene Brown, St. George's owner and manager, stated that bank statements of the operating account from June 30, 1990, to October 31, 1990, were in a locked storage facility to which they were inadvertently sent and that it would take 7 to 10 days to get to the facility. Upon the insistence of our auditor, utility personnel went to the storage facility whereupon the auditor was told that the records could not be located.

In another letter dated April 8, 1991, Mr. Brown indicated that this was not a convenient time for an audit. He stated that the balance of the audit request would be responded to after April

DOCUMENT NUMBER-DATE

03474 APR 11 1991

PSC-RECORDS/REPORTING

ORDER NO. 24350
DOCKET NO. 871177-WU
PAGE 2


15, when his accountant could devote time to it. This is an inadequate reason for not responding. Under Section 367.121(2), Florida Statutes, Commission staff may enter the premises of a utility for the purpose of investigations and examinations. Further, under Section 367.121(1)(i), Florida Statutes, this Commission has the authority to require the filing of reports and data by a utility. By not producing the records and documents required by the auditor, it appears that St. George may well be in violation of Sections 367.121(1)(i) and (2), Florida Statutes. Any such determination will have to be made by the Commission, however, as Prehearing Officer, I hereby require St. George to respond to all of the aforementioned audit requests by the close of business (4:45 p.m.) on Monday April 15, 1991. St. George shall also comply with any further audit requests in a timely manner.

In the March 25, 1991 letter, Mr. Brown also offered to obtain photocopies of any bank records which could not be located. If St. George is unable to locate records by any other means, it may file a copy of a letter requesting such records from the appropriate bank, with an acknowledgement of receipt by the bank clearly marked on the letter, also no later than by the close of business on April 15, 1991.

Based upon the foregoing, it is

ORDERED by Commissioner Betty Easley, as Prehearing Officer, that St. George Island Utility Company, Ltd. must comply with audit document requests made by this Commission through its representatives as set forth in the body of this Order. Pending requests must be responded to as discussed in the body of this Order by the close of business (4:45 p.m.), Monday April 15, 1991.

By ORDER of Commissioner Betty Easley, as Prehearing Officer, this 11th day of APRIL, 1991.



BETTY EASLEY, Commissioner
as Prehearing Officer

(S E A L)

BE/RJP

ORDER NO. 24350
DOCKET NO. 871177-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 this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) 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. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.