

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of Show Cause) DOCKET NO. 940030-WS
Proceedings Against EGR) ORDER NO. PSC-94-0755-FOF-WS
ENTERPRISES, INC., D/B/A) ISSUED: June 20, 1994
WILDWOOD ESTATES in Sumter)
County for Failure to File 1991)
Annual Report)
_____)

The following Commissioners participated in the disposition of this matter:

* J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER TO SHOW CAUSE

BY THE COMMISSION:

EGR Enterprises, Inc., d/b/a Wildwood Estates (Wildwood or utility) is a Class C utility, serving water and wastewater customers in Sumter County. Wildwood has not filed its 1991 annual report, as required by Rule 25-30.110, Florida Administrative Code.

Rule 25-30.110, Florida Administrative Code, requires utilities subject to the Commission's jurisdiction as of December 31 of any year to file an annual report on or before March 31 of the following year. Requests for extension must be in writing and must be filed before March 31. One extension of thirty days is automatically granted. Longer extensions may be granted upon showing of good cause. Incomplete or incorrect reports are considered delinquent, with a thirty-day grace period in which to supply the missing information.

Pursuant to Rule 25-30.110(6)(c), Florida Administrative Code, any utility that fails to file a timely, complete annual report is subject to penalties, absent demonstration of good cause for noncompliance. The penalty set out in Rule 25-30.110(7), Florida Administrative Code, for Class C utilities is \$3 per day. The penalty calculation is based on the number of days elapsed since March 31, or the approved extension date and the actual date of filing. The date of filing is included in computing the number of days elapsed. The Commission may impose lesser or greater penalties, pursuant to Rule 25-30.110(6)(c), Florida Administrative Code.

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FPSC-RECORDS/REPORTING

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As of the date of our vote at the Agenda Conference held on May 31, 1994, the utility's 1991 report was 791 days late and the appropriate penalty, computed according to Rule 25-30.110, Florida Administrative Code, was \$2,373.

In consideration of the foregoing, it appears that Wildwood has failed to comply with Rule 25-30.110, Florida Administrative Code. Therefore, we hereby order Wildwood to show cause, in writing, within twenty days why it should not be fined \$2,373 for its failure to file its 1991 annual report.

If the utility fails to respond to this Order within twenty days of its issuance, the penalty of \$2,373 shall be imposed without further action by this Commission. The failure of the utility to file a timely response to the show cause order shall both constitute an admission of the facts alleged and a waiver of any right to a hearing.

If Wildwood fails to respond to reasonable collection efforts, which shall consist of two certified letters requesting payment, we hereby deem the fines to be uncollectible and authorize referral of this matter to the Comptroller's Office for further collection efforts. In addition, the docket shall be closed administratively.

If, however, the utility responds to this Order by remitting the \$2,373 penalty, no further action will be required and this docket shall be closed administratively.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that EGR Enterprises, Inc., d/b/a Wildwood Estates, 5604 Heritage Boulevard, Wildwood, Florida 34785, in Sumter County, shall show cause, in writing, within twenty days why it should not be fined \$2,373 for failure to file its 1991 annual report as required by Rule 25-30.110, Florida Administrative Code. It is further

ORDERED that EGR Enterprises, Inc., d/b/a Wildwood Estates' written response must be received by the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida, 32399-0870, by the close of business on July 11, 1994. It is further

ORDERED that EGR Enterprises, Inc., d/b/a Wildwood Estates' response must contain specific allegations of fact and law. It is further

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ORDERED that, in the event that EGR Enterprises, Inc., d/b/a Wildwood Estates files a written response which raises material questions of fact and requests a hearing pursuant to Section 120.57, Florida Statutes, further proceedings may be scheduled before a final determination on these matters is made. It is further


ORDERED that a failure to file a timely response to this Order shall constitute an admission of the facts alleged herein and a waiver of any right to a hearing. It is further

ORDERED that if the utility fails to timely respond to the show cause, the penalty of \$2,373 shall be imposed without further action by this Commission. It is further

ORDERED that if reasonable collection efforts are unsuccessful, the collection of the fines shall be forwarded to the Comptroller's office and this docket shall be closed administratively. It is further

ORDERED that if the utility responds to the show cause by remitting the penalty, this docket shall be closed administratively.

By ORDER of the Florida Public Service Commission, this 20th day of June, 1994.



BLANCA S. BAYO, Director
Division of Records and Reporting

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