

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: RHV UTILITY, INC.

971635-34

PETITION FOR RULE WAIVER
WITH RESPECT TO THE UTILITY'S FAILURE TO FILE ANNUAL REPORTS

CITRUS COUNTY, a political subdivision of the State of Florida and court appointed Receiver for RHV UTILITY, INC., does hereby file its Petition for a waiver of penalties and interest for its failure to file annual reports required pursuant to Rule 25-30.110, Florida Administrative Code, and for reason therefore would show:

1. On November 24, 1997, the Circuit Court of the Fifth Judicial Circuit appointed CITRUS COUNTY Receiver for assets owned by RHV UTILITY, INC. which provides wastewater service to the Riverhaven subdivision located in the incorporated area of Citrus County, Florida.

2. It has been determined by the Receiver that the Utility has failed to file annual reports for the last two years resulting in penalty and interest accruing against the Utility.

3. An examination by the County of the books and records of RHV UTILITY, INC. shows that the Utility is virtually bankrupt with debts exceeding \$250,000 and a

ACK
AFA
APP
CAF
CMU
CTR
EAG
LEG
LIN
OPC
RCH
SEC
WAS
OTH

RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION

FEB 25 1998
MAIL ROOM

DOCUMENT NUMBER-DATE

02592 FEB 25 98

FPSC-RECORDS/REPORTING

monthly income of less than \$12,000, most of which is necessary to pay regular operating expenses.

4. It would work a hardship upon the already debt plagued ratepayers of the Utility to in addition to paying for debts, operating expenses and necessary repairs required by the Florida Department of Environmental Protection to also be burdened with the full cost of penalties and interest accrued against the Utility pursuant to Rule 25-30.110(6), Florida Administrative Code.

5. The application of Rule 25-30.110, Florida Administrative Code, imposing penalties and interest against the Utility would work a substantial hardship against the ratepayers of RHV UTILITY, INC. The imposition of penalties and interest constitute an economic hardship in view of the financial condition of the Utility coupled with the expense of bringing the Utility's collection system into compliance with the Rules of the Department of Environmental Protection.

WHEREFORE, the Receiver, CITRUS COUNTY, does hereby request the Public Service Commission to either waive or assess as penalty and interest a nominal amount for the Utility's failure to file annual reports as required by the Florida Administrative Code.

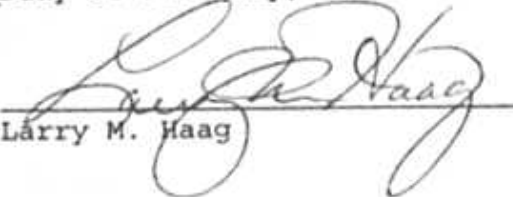
Respectfully submitted,

BY: 

LARRY M. HAAG
County Attorney
3600 West Sovereign Path
Room 270
Lecanto, Florida 34461
(352) 527-5250

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and 15 copies of the foregoing were furnished by United States Mail to the Florida Public Service Commission, Division of Records & Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0863; and a to Nona R. Schaffner, Esquire, Assistant General Counsel, 3900 Commonwealth Blvd., MS 35, Tallahassee, FL 32399, to Rodney Fields, Esquire, Post Office Box 20713, Tampa, FL 33622-0713 and to Bobbie L. Reyes, Esquire, Florida Public Service Commission, Division of Legal Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0863 this 23rd day of February, 1998.


Larry M. Haag