

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of ST. )  
GEORGE ISLAND UTILITY COMPANY,) DOCKET NO. 871177-WU  
LTD. for increased rates and ) ORDER NO. PSC-92-0488-FOF-WU  
service availability charges ) ISSUED: 06/10/92  
for water service in Franklin )  
County )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON  
BETTY EASLEY

ORDER TO SHOW CAUSE

BY THE COMMISSION:

By Order No. 23258, issued July 27, 1990, this Commission required St. George Island Utility Company, Ltd. to, "exercise its option on the elevated storage tank and tank site prior to the expiration of the lease/purchase contract." Based on Commission records, the date of expiration was February 7, 1992. On April 1, 1992, a letter was sent to the owner of the utility, Mr. Gene Brown, requesting the status of the utility's option to purchase the land on which the elevated storage tank is located. The utility did not timely respond to our request. However, a warranty deed for the subject property was recorded in Franklin County on February 12, 1992 (See Attachment A). The recorded warranty deed indicates that title to the subject land and the storage tank was recorded in the name of Regional Land Corporation. We find that the failure of St. George Island Utility Company, Ltd. to timely exercise the option to purchase the land violates the provisions of Order No. 23258. Accordingly, we find it appropriate to order the utility to show cause why it should not be fined up to \$5,000 per day, pursuant to Section 367.161, Florida Statutes, for failure to comply with Order No. 23258 by failing to exercise its option on the elevated storage tank and tank site prior to the expiration of the lease/purchase contract.

It is therefore,

ORDERED by the Florida Public Service Commission that St. George Island Utility Company, Ltd. shall show cause in writing,

DOCUMENT NUMBER-DATE

06005 JUN 10 1992

FPC-RECORDS/REPORTING

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why it should not be fined up to \$5,000 per day for failure to comply with Order No. 23258. It is further

ORDERED that St. George Island Utility Company, Ltd.'s 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 June 30, 1992. It is further

ORDERED that the response of St. George Island Utility Company, LTD. must contain specific allegations of fact and law. It is further

ORDERED that the opportunity of St. George Island Utility Company, Ltd. to file a written response shall constitute its opportunity to be heard prior to final determination of the appropriate fine to be imposed by this Commission, pursuant to Section 367.161, Florida Statutes. It is further

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

ORDERED that in the event that St. George Island Utility Company, Ltd. 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.

By ORDER of the Florida Public Service Commission, this 10th day of June, 1992.



STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

CB

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.

The show cause portion of this order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.037(1), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on June 30, 1992.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing pursuant to Rule 25-22.037(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

If an adversely affected person fails to respond to the show cause portion of this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any electric, gas or telephone utility or by 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 of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure.

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

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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.

FILED AND RECORDED  
DATE 02/12/92 TIME 13:29

This instrument was prepared by  
and should be returned to:  
Russell D. Gautier, Esquire  
Moore, Williams, Bryant, Peebles  
& Gautier, P.A.  
Post Office Box 1169  
Tallahassee, Florida 32302

LEE R P RIVERS CLERK  
CO:FRANKLIN ST:FL

DOC STAMPS 132.00  
INTANG TAX .00

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CO:FRANKLIN ST:FL

RECORD VERIFIED

BY Nanna Crum DC

WARRANTY DEED

Homer A. Brinkley and Robert T. Brinkley, whose address is 246 East 6th Avenue, Tallahassee, Florida 32303, hereinafter referred to as Grantor, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations received from Regional Land Corporation, a Florida corporation, whose address is 3522 Thomasville Road, Suite 500, Tallahassee, Florida 32308, hereinafter referred to as Grantee, hereby, on this 10<sup>th</sup> day of February, 1992, conveys to the Grantee that real property located in Franklin County, Florida, described as follows:

Lots 21 and 22, Block 5 West, Unit 1, St. George Island Gulf Beaches, a subdivision as per map or plat thereof recorded in Plat Book 2, Page 7, of the Public Records of Franklin County, Florida.

SUBJECT to taxes for the year 1990 and subsequent years, and easements and restrictive covenants of record, if any, which are not reimposed or extended hereby;

Grantors represent and warrant that neither Grantor resides on the above-described property and that the above-described property is non-homestead property.

and the Grantor covenants that the property is free of all encumbrances, except as above stated; that lawful seisin of and good right to convey that property are vested in the Grantor; and that the Grantor fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever. The terms Grantor and Grantee shall be deemed to include both the singular and plural where appropriate, and where the masculine gender is used, it shall include masculine, feminine or neuter, where appropriate.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.

WITNESSES (2) AS TO  
HOMER A. BRINKLEY:

(1) Carol Brannen  
Signature

Carol Brannen  
Print or type name.

(2) Carl D. Brinkley  
Signature

CARL D. BRINKLEY  
Print or type name.

Homer A. Brinkley  
Homer A. Brinkley

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CO:FRANKLIN ST:FL

WITNESSES (2) AS TO  
ROBERT T. BRINKLEY:

(1) Carol Brannen  
Signature

Carol Brannen  
Print or type name.

(2) Carol Brinkley  
Signature

CARL D. BRINKLEY  
Print or type name.

Robert T. Brinkley  
Robert T. Brinkley

STATE OF FLORIDA  
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 10<sup>th</sup>  
day of February, 1992, by Homer A. Brinkley, who is personally  
known to me or who has produced drivers license  
as identification and who did not take an oath.

Carol Halverson  
Signature

Carol Halverson  
Print or type name.

NOTARY PUBLIC

My Commission # \_\_\_\_\_

Expires: \_\_\_\_\_



STATE OF FLORIDA  
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 10<sup>th</sup>  
day of February, 1992, by Robert T. Brinkley, who is personally  
known to me or who has produced drivers license  
as identification and who did not take an oath.

Carol Halverson  
Signature

Carol Halverson  
Print or type name.

NOTARY PUBLIC

My Commission # \_\_\_\_\_

Expires: \_\_\_\_\_



Tax ID# 29-09S-06W-7311-005W-0210

regional\brinkley.wd