

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show) DOCKET NO. 920608-WS
cause proceedings against) ORDER NO. PSC-92-1338-FOF-WS
ASTOR WEST, INC. in Marion) ISSUED: 11/18/92
County for failure to comply)
with 1990 annual report)
requirements)
_____)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

FINAL ORDER LEVYING AND SUSPENDING FINE FOR
FAILURE TO FILE FINE FOR 1990 ANNUAL REPORT

BY THE COMMISSION:

Astor West, Inc. (Astor or utility) is a Class C utility, serving 172 water and 34 wastewater customers in Marion County. Based on information in the 1988 annual report, the utility reported water system operating revenues of \$15,332 and operating expenses of \$15,137, resulting in net operating income of \$195. Based on information in the 1988 annual report, the utility reported wastewater system operating revenues of \$4,264 and operating expenses of \$15,090, resulting in a net operating loss of \$10,826.

Astor has not timely filed a 1990 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 31st each year to file an annual report on or before March 31st of the following year. Requests for extension must be in writing and must be filed before March 31st. One extension of 30 days is automatically granted. Longer extensions may be granted upon showing of good cause. Incomplete or incorrect reports are considered delinquent, with a 30-day grace period in which to supply the missing information.

DOCUMENT NUMBER-DATE

13569 NOV 18 1992

PSC-RECORDS/REPORTS

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.

Astor West, Inc. responded to the Order to Show Cause issued by this Commission August 11, 1992, Order No. PSC-92-0797-FOF-WS, which ordered the utility to show cause why it should not be fined \$1,212 for failure to file a 1990 annual report. In response to the Order, Mr. Gregory S. Allen, C.P.A., and Mr. S. Ray Gill sent letters to the Commission.

A.M. Collins, Jr., the owner and sole shareholder of the utility, died on August 2, 1992. Mr. Allen said in his letter that he did not know who would prepare the annual report, but he was confident that someone would submit it as soon as possible, and asked that the Commission postpone further enforcement actions. Mr. Gill represents Mrs. Collins, the personal representative of Mr. Collins' estate, and sent with his letter a copy of the Order Granting Personal Representative Authority to Operate Astor West Inc. Mr. Gill requested a reasonable extension within which to file the annual report, due to the complexity of the estate, and claimed that Mr. Allen would prepare the report as soon as possible.

The utility's 1990 annual report was due on May 31, 1991. The number of days late and the corresponding penalty, \$1,212, is calculated up to and including the date of our July 21, 1992, Agenda Conference at which we considered this matter.

In consideration of the foregoing, we hereby suspend the fine of \$1,212 subject to the submission by Astor West of its 1990 annual report within 120 days of the date of this Order.

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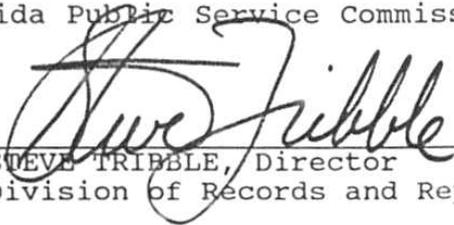
Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Astor West, Inc. shall submit its 1990 annual report within 120 days of the date of this Order. It is further

ORDERED that the fine of \$1,212 shall be suspended subject to Astor West, Inc.'s submission of its 1990 annual report within 120 days of the date of this Order. It is further

ORDERED that this docket shall remain open to monitor the status of Astor West, Inc.'s 1990 annual report.

By ORDER of the Florida Public Service Commission this 18th day of November, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.