

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show ) DOCKET NO. 920774-SU  
cause proceedings against ) ORDER NO. PSC-92-1452-FOF-SU  
NAPLES MOBILE ESTATES, INC. ) ISSUED: 12/15/92  
in Collier County for failure )  
to remit penalty fee for filing )  
delinquent 1990 annual report. )

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

RESOLVING SHOW CAUSE PROCEEDING AND CLOSING DOCKET

BY THE COMMISSION:

Naples Mobile Estates, Inc. (Naples or utility), is a Class C utility, serving 2 wastewater customers in Collier County. Based on information in the 1990 annual report, the utility reported wastewater system operating revenues of \$41,520 and operating expenses of \$38,101, resulting in a net operating income of \$3,419.

Naples filed a delinquent 1990 annual report in violation of 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.

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 31st, or the approved extension date, and the actual date of filing.

DOCUMENT NUMBER-DATE

14474 DEC 15 1992

FILED - RECORDS & REPORTING

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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.

Pursuant to Order No. PSC-92-1040-FOF-SU, issued September 23, 1992, we ordered Naples to show cause why it should not be fined \$423 for failure to timely file its 1990 annual report as required by Rule 25-30.110, Florida Administrative Code. Naples responded timely to the show cause order by requesting that the penalty be waived.

On May 20, 1991, a certified letter was sent to John H. Jackson, President of Naples, indicating that Naples was in violation of Rule 25-30.110, Florida Administrative Code, and Naples was accruing penalties by failing to timely file its 1990 annual report. The letter stated that show cause proceedings would be initiated, and fines could be assessed in excess of the daily rate if the annual report was not filed on or before May 30, 1991.

On August 19, 1991, the 1990 annual report was received, along with a letter from Norman F. Mears, consultant for Naples, which requested that any penalties for late filing be waived due to the former president's severe illness and the difficulties experienced in obtaining information from the utility's new purchaser. Although the utility has requested a waiver of the penalty, as no penalty has been assessed yet, a waiver is not appropriate. However, we recognize that the utility is simply that it not be fined.

On August 21, 1992, we received a letter from Shirley S. Beck. The letter stated that Naples Mobile Estates, Inc. is no longer in existence. It also stated that the City of Naples and Collier County now serve Naples Mobile Estates.

In addition, on October 2, 1992, we received a second letter from Shirley Beck which stated that the former president of Naples, John H. Jackson, had died. He had been an owner and the manager of the utility during the time period that the annual report was due.

Based on the utility's response, we do not find it appropriate to fine this utility.

Since we are not fining this utility, no further action is required, and this docket is hereby closed.

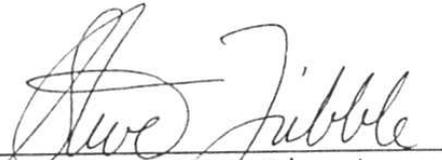
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It is, therefore,

ORDERED by the Florida Public Service Commission that this show cause proceeding against Naples Mobile Estates, Inc. is hereby resolved. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 15th day of December, 1992.

A handwritten signature in cursive script, appearing to read "Steve Tribble", written over a horizontal line.

STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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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.