Diamond Williams

100149-WU

From:	Dana Rudolf [DRudolf@RSBattorneys.com]
Sent:	Friday, October 15, 2010 2:33 PM
То:	Filings@psc.state.fl.us
Cc:	Christian W. Marcelli; ewallace@niamerica.com; bwilkinson@niamerica.com; donald.clayton@tangibl.com; Bart Fletcher
Subject:	Docket No. 100149-WU; Application for increase in water rates in Lee County by Ni Florida, LLC.

Attachments: PSC Clerk 09 (Filing Response to Staff's 3rd Data Request) ltr.pdf

a) Christian W. Marcelli, Esquire Rose, Sundstrom & Bentley, LLP 2180 West State Road 434, Suite 2118 Longwood, FL 32779 (407) 830-6331 <u>cmarcelli@rsbattorneys.com</u>

b) Docket No. 100149-WU; Application for increase in water rates in Lee County by Ni Florida, LLC.

- c) Ni Florida, LLC
- d) 6 pages
- e) Response to Staff's Third Data Request dated September 15, 2010.

LAW OFFICES

Rose, Sundstrom & Bentley, LLP

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Please Respond to the Longwood Office

Christian W. Marcelli Steven T. Mindlin, P.A. Thomas F. Mullin Chastry H. O'Steen William E. Sundstrom, P.A. Diane D. Tremor, P.A. John L. Wharton

ROBERT M.C. ROSE, (1924-2006)

October 15, 2010

E-FILING

Ann Cole, Commission Clerk Office of Commission Clerk Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399

Re: Docket No. 100149-WU; Ni Florida, LLC - Tamiami Application for an Increase in Water Rates in Lee County, Florida <u>Our File No.: 43053.04</u>

Dear Ms. Cole:

Enclosed for filing in the above-referenced docket is the response of Ni Florida, LLC - Tamiami (the "Utility") to Staff's third data request dated September 15, 2010. Staff has requested the following information in order to complete its analysis in the above-referenced docket.

1. Prior to Tamiami Village Water Co. Inc. (Tamiami Village) being transferred to Ni Florida, Tamiami Village reported O&M expenses of \$197,539 on its 2007 annual report. According to MFR Schedule B-1, the Utility is requesting \$351,604 for O&M expenses based on a December 31, 2009 test year. This represents a 78 percent increase in O&M expenses from 2007 to 2009. Please explain, in detail, why O&M expenses have increased by 78 percent since the transfer of Tamiami Village to Ni Florida.

<u>RESPONSE</u>: Attached is a comparison of O&M for 2009 versus 2007 which identifies the changes by NARUC Account. Explanations of why the amounts changed between the two periods are offered for all items in excess of \$3,000.

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2180 West State Road 434, Suite 2118, Longwood, Florida 32779 (407) 830-6331 Fax (407) 830-8522 2548 Blairstone Pines Drive, Tallahassee, Florida 32301 (850) 877-6555 Fax (850) 656-4029 950 Peninsula Corporate Circle, Suite 2020, Boca Raton, Florida 33487 (561) 982-7114 Fax (561) 982-7116

FREDERICK L. ASCHAUER, JR. CHRIS H. BENTLEY, P.A. ROBERT C. BRANNAN F. MARSHALL DETERDING MARTIN S. FRIEDMAN, P.A. JOHN J. FUMERO, P.A. BRIDGET M. GRIMSLEY JOHN R. JENKINS, P.A. KYLE L. KEMPER Ann Cole, Commission Clerk Office of Commission Clerk Florida Public Service Commission October 15, 2010 Page 2

2. Please explain, in detail, why the amount of overhead for Ni Florida is considerably greater than the amount recorded by the prior owner of this utility.

RESPONSE: The prior owner of Tamiami Village was a sole proprietor and Ni Florida, LLC is part of a larger corporate entity. The Ni corporate office allocates its expenses to the various companies which it operates based on ERCs. The prior owner had a more direct way of charging costs to the system and did not have the resources that Ni makes available to the entities which it operates.

> When Ni Florida, LLC acquired the Tamiami Village water system it had violations, older water meters, and no flushing program in place. Ni Florida, LLC has made improvements to the system by replacing the meters, installing isolation valves, and instituting a flushing program. Previously, the system could not be flushed without shutting down the entire system and sending out boil water notices. Additionally, Ni Florida, LLC provides professional management instead of part-time, non-professional employees with no professional supervision.

3. Please explain, in detail, all qualitative and/or quantitative benefits received by the customers since the transfer of this utility to Ni Florida.

<u>RESPONSE</u>: The benefits for the customers of Tamiami Village of being owned by Ni Florida include the following:

- Experience in compliance with environmental laws.
- Remedying prior non-corporate owner's violations.
- Financial strength (both short- and long-term) and the ability to maintain the system efficiently and professionally.
- Staff with many years of operational, accounting, and environmental expertise.
- Capital expenditures related to replacing meters, replacing isolation valves, and updating mapping.
- Starting a flushing program to improve water quality.
- Making improvements to lower lost and unaccounted for water.

Ann Cole, Commission Clerk Office of Commission Clerk Florida Public Service Commission October 15, 2010 Page 3

Should you or members of the Staff have any questions regarding this filing, please do not hesitate to give me a call.

Very truly yours, CHRISTIAN W. MARCELLI For the Firm

CWM/tlc Enclosures

cc: Ed Wallace, President (w/enclosures) (via e-mail)
Mr. Benny Wilkinson (w/enclosures) (via e-mail)
Mr. Donald Clayton (w/enclosures) (via e-mail)
Mr. Bart Fletcher (w/enclosures) (via e-mail)

M:\] ALTAMONTE\NI FLORIDA, LLC (43053)\(.04) 12-31-09 TY Rate Case (Lee County)\PSC Clerk 08 (Filing Response to Staff's 3rd Data Request) kt.doc

Ni America Operating, LLC and Ni America Capital Management. LLC Overhead Allocation Based on 2009 Actual Expenses

	<u>Jan-09</u>	Feb-09	<u>Mar-09</u>	Apr-09	May-09	<u>Jun-09</u>	Jul-09	Aug-09	Sep-09	<u>Oct-09</u>	<u>Nov-09</u>	Dec-09	Total
Ni America Operating, LLC													
Operation and Maintenance													
601 Salaries-Employees	\$111,297	\$29,018	\$28,958	\$40,601	\$27,224	\$13,245	\$13,040	\$14,463	\$13,255	\$13,255	\$14,465	\$16,965	335,786 949,770
603 Salaries-Officers & Directors	97,960	89,439	89,739	89,439	89,439 17,801	80,222 17,718	70,953 15,358	65,184 5,790	65,126 12,376	64,374 11,705	63,789 12,944	84,105 12,944	195,514
604 Employees Pensions and Benefits 620 Repairs & Maintenance	24,724 561	24,724 1,217	20,617 939	18,813 1,046	939	1,149	939	733	1,046	939	1,012	1.076	11,598
632 Contract Services-Accounting/Tax	7,440	9,356	6,773	3,956	1,364	(7,969)	-	-	-	-	294	109,000	130,213
633 Contract Services-Legal	11,636	2,340	813	1,211	313	332	-	1,089	935	3,997	466	510	23,641
636.1 Contract Services-Computer Svcs	2,240	2,240	2,240	2,240	2,240	2,240	2,240	2,240	2,240	2,240	2,240	2,240	26,880
636.2 Contract Services-Other	4,351	4,723		(3,600)	-	-	-		-	-	2.820	- 3,293	5,474 43,830
641/642 Rent Expense	8,772 8,508	5,840 2,053	2,820 4,557	2,858 7,598	2,820 1,159	2,820 264	2,820 1,817	3,320 3,097	3,570 2,345	2,075 820	3,171	3,293 1,940	37,330
650 Travel Expense 657 General Liability	8,508 149	2,055	4,557	206	(853)	156	64	5,057	62	64	62	64	269
658 Workman's Compensation	435	393	435	421	435	421	619	594	575	594	(1,888)	594	3,629
659 Crime	322	322	322	374	250	250	250	250	250	250	250	250	3,339
660 Advertising & Promotion	-	•	-	-	-		-	-	-		496	1,103	1,599
661 Bank Fees	527	168	214	323	218	213	233	231	244	258	245 \$100,365	245 \$234,330	3,117 1,771,987
Total Operation and Maintenance	\$278,921	\$171,970	\$158,523	\$165,485	\$143,350	\$111,060	\$108,333	\$97,056	\$102,023	\$100,570	\$100,305	3234,330	1,//1,90/
Miscellaneous	AT 107	** 647	\$4,810	\$4,199	\$5,458	\$4,346	\$4,227	\$3,961	\$2,717	\$2,943	\$3,504	\$5,188	51,181
675.1 Telephone 675.2 Utilities	\$5,185 1,351	\$4,643 1,016	\$4,810	\$4,199	\$5,458 1,467	\$4,340 1,769	\$4,227 1,719	\$3,961	\$2,717	\$2, 34 3 1,399	1,071	1,229	16,625
675.3 Meals & Entertainment	1,899	1,013	9,816	766	1,095	233	704	617	909	4,269	1,368	2,344	25,032
675.4 Dues/Subscription/Prof Orgs			-	553	35	707	590	350	440	240	· · · ·	417	3,332
675.5 Computer/Internet Expenses	441	507	338	333	333	74	282	74	270	260	342	260	3,515
675.6 Utility Associations	10	•	-	-	-	-		-	-	- 28	294	400 747	410 5,727
675.7 Office Supplies	1,303 54	489 65	351 45	440 42	285 324	504 110	130 78	951 66	205	28	339	420	1,753
675.8 Postage/Freight/Overnight 675.9 Other Expenses	322			72	184			83	-	-	-	(33)	556
675.1 Education & Seminars	-	-	-			-	-	370	31		729	1,195	2,324
Total Miscellaneous	\$10,565	\$7,731	\$16,615	\$7,422	\$9,181	\$7,742	\$7,731	\$8,246	\$6,058	\$9,350	\$7,647	\$12,167	110,455
Total O&M	\$289,486	\$179,701	\$175,138	\$172,908	\$152,531	\$118,802	\$116,063	\$105,302	\$108,082	\$109,920	\$108,011	\$246,496	1,882,442
Ni America Capital Management, LLC													
Corporate Governance									*****	437 500	\$12,500	413 500	100,000
634 Contractual Svcs-Mgmt Fee	\$4,167	\$4,167 \$0	\$4,167 \$0	\$4,167 \$0	\$4,167 \$0	\$4,167 \$0	\$4,167 \$0	\$4,167 \$0	\$4,167 \$100,000	\$37,500 \$21,840	\$12,500	\$12,500	121.840
636 Contractual Svcs-Other 659 Insurance - Other	\$0 1,250	1,250	1,250	1.237	₹0 715	715	715	715	715	715	715	715	10,703
675.3 Meals and Entertainment	1,250	1,250	-	-	-	-	-	-	-	826			826
675.8 Misc Expenses	-	· -	- '	-	-	-	-	-	-	2,730	- 1		2,730
661.2 Bank Fees	137	171	161	264	203	195	163	197	213	211	195	216	2,326
408 Taxes Other Than Income	•	-		· -	-	-	-	-	-	3,165 7,280		348	3,165 9,188
650 Travel Expense Total Corporate Governance	\$5,553	\$5,588	\$7,139	\$5,667	\$5,084	\$5,076	\$5,044	\$5,079	\$105,094	\$74,266	\$13,410	\$13,779	250,779
Total Allocable O&M	\$295,040	\$185,289	\$182,277	\$178,574	\$157,615	\$123,878	\$121,108	\$110,381	\$213,176	\$184,187	\$121,421	\$260,275	2,133,221
	<u> </u>			1									<u></u>
ERCs											201	200	2,444
Shaded Lane	204	204	204	205	205	205	205	203	203	202	204		2,444 35,797
Hudson	2,987	2,974	2,985	2,979	2,979	2,985	2,985	2,987	2,978	2,987	2,986	2,985 768	35,797 9,018
Tamiami	748	748	748	749	749	749 748	749 748	749 747	749 740	756 738	756 726	732	5,179
Brighton	1949 - Style 4	요 영지적 지원~				/48	/48	747	740	/38	720	752	3,179
Total	3,939	3,926	3,937	3,933	3,933	4,687	4,687	4,686	4,670	4,683	4,672	4,685	52,438
Percentage of Allocable Payroli	47.089%	47.089%	47.089%	47.089%	47.089%	47.089%	47.089%	47.089%	47.089%	47.089%	47.089%	47.089%	
Allocated Overhead													
Shaded Lane	\$ 7,195	\$ 4,534	\$ 4,448	\$ 4,383	\$ 3,869								
Hudson	105,353	66,094	65,077	63,692	56,217	37,150	36,319	33,132	64,013	55,321	36,543	78,088	696,999
Tamiami	26,382	16,623	16,308	16,014	14,134	9,322	9,113	8,308	16,100	14,002	9,252	20,091	175,649
Brighton	jt ka ta	isos tos	949493			9,309	9,101	8,286	15,906	13,668	8,885	19,149	84,305
Total	\$ 138,931	\$ 87,251	\$ 85,832	\$ 84,089	\$ 74,219	\$ 58,333	\$ 57,028	\$ 51,977	\$ 100,382	\$ 86,732	\$ 57,176	\$ 122,561	\$ 1,004,512
			······										

	<u>Jan-09</u>	Feb-09	<u>Mar-09</u>	Apr-09	May-09	Jun-09	Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	Total
Tamiami Allocated Overhead by Account													
Ni America Operating, LLC													
Operation and Maintenance													
601 Salaries-Employees	\$9,952	\$2,603	\$2,591	\$3,641	\$2,441	\$997	\$981	\$1,089	\$1,001	\$1,008	\$1,102	\$1,310	28,716
603 Salaries-Officers & Directors	8,760	8,024	8,029	8,021	8,021	6,037	5,339	4,906	4,919	4,894	4,861	6,492	78,300
604 Employees Pensions and Benefits	2,211	2,218	1,844	1,687	1,596	1,333	1,156	436	935	890	986	999	16,292
620 Repairs & Maintenance	50	109	84	94	84	86	71	55	79	71	77	83	944
632 Contract Services-Accounting/Tax	665	839	606	355	122	(600)	-	-	-	-	22	8,414	10,424
633 Contract Services-Legal	1,041	210	73	109	28	25	-	82	71	304	35	39	2,016
634 Contract Services-Regulatory	-	-	-	-	•	-	-	-	-	-	-	-	-
636.1 Contract Services-Computer Svcs	200	201	200	201	201	169	169	169	169	170	171	173	2,192
636.2 Contract Services-Other	389	424	-	(323)	-	-	-	-	-	-	-	-	490
641/642 Rent Expense	784	524	252	256	253	212	212	250	270	158	215	254	3,641
650 Travel Expense	761	184	408	681	104	20	137	233	177	62	242	150	3,159
657 General Liability	13	12	9	18	(77)	12	5	5	5	5	5	5	17
658 Workman's Compensation	39	35	39	38	39	32	47	45	43	45	(144)	46	303
659 Crime	29	29	29	33	22	19	19	19	19	19	19	19	275
660 Advertising & Promotion	-	-	-	-	-	-	-	-	-	-	38	85	123
661 Bank Fees	47	15	19	29	20	16	18	17	18	20	19	19	256
667 Regulatory Commission Expenses	-		•	•	•	-	•	•	•	-	-	-	-
Total Operation and Maintenance	\$24,941	\$15,429	\$14,182	\$14,840	\$12,855	\$8,357	\$8,152	\$7,305	\$7,705	\$7,645	\$7,647	\$18,088	147,148
Miscellaneous													
675.1 Telephone	\$464	\$417	\$430	\$377	\$489	\$327	\$318	\$298	\$205	\$224	\$267	\$400	4,216
675.2 Utilities	121	91	112	98	132	133	129	134	112	106	82	95	1,344
675.3 Meals & Entertainment	170	91	878	69	98	18	53	46	69	325	104	181	2,101
675.4 Dues/Subscription/Prof Orgs	-	-	-	50	3	53	44	26	33	18	-	32	260
675.5 Computer/Internet Expenses	39	45	30	30	30	6	21	6	20	20	26	20	294
675.6 Utility Associations	1	-	-	-	-	-	-	-	18 <u>-</u> 18	-	-	31	32
675.7 Office Supplies	116	44	31	39	26	38	10	72	15	2	22	58	474
675.8 Postage/Freight/Overnight	5	6	4	4	29	8	6	5	-	16	26	32	141
675.9 Other Expenses	29		-	-	17	-	-	6	•	-	-	(3)	49
675.1 Education & Seminars	-	-		-	•	-	-	28	2	-	56	92	178
Total Miscellaneous	\$945	\$694	\$1,487	\$666	\$823	\$583	\$582	\$621	\$458	\$711	\$583	\$939	9,089
Total O&M -	\$25,886	\$16,122	\$15,669	\$15,506	\$13,678	\$8,940	\$8,734	\$7,926	\$8,163	\$8,356	\$8,230	\$19,027	156,237
Ni America Capital Management, LLC													
Corporate Governance													
634 Contractual Svcs-Momt Fee	\$373	\$374	\$373	\$374	\$374	\$314	\$314	\$314	\$315	\$2,851	\$952	\$965	7,890
636 Contractual Svcs-Other	\$0	\$0	\$0	\$0	\$0	\$0	\$ 0	\$0	\$7,552	\$1,660	\$0	\$0	9,213
659 Insurance - Other	112	112	112	111	64	54	54	54	. 54	54	54	55	890
675.3 Meals and Entertainment	-	-	-	-	-	-	-	-	-	63	-	-	63
675.8 Misc Expenses	-	-	-	-	-	-	-	-	-	208	-	-	208
661.2 Bank Fees	12	15	14	24	18	15	12	15	16	16	15	17	189
408 Taxes Other Than Income	-	-	-	-	-		-	-	-	241	-		241
634.1 Metalmark Sponsor Fee	-	-	-	-	-	-	-	-	-		-	-	
650 Travel Expense	-	· .	140	-	-	-	-	-	-	553	-	27	720
Total Corporate Governance	\$497	\$501	\$639	\$508	\$456	\$382	\$380	\$382	\$7,937	\$5,646	\$1,022	\$1,064	19,413
Total Allocable O&M	\$26,382	\$16,623	\$16,308	\$16,014	\$14,134	\$9,322	\$9,113	\$8,308	\$16,100	\$14,002	\$9,252	\$20,091	175,649
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Ni Florida, LLC - Tamiami O&M Expenses 2009 vs 2007

<u>Acct</u>	Description	<u>2009</u>	<u>2007</u>	<u>Change</u>	<u>Comment</u>
601	S&W Employees	\$ -	\$ 10,457	\$ (10,457)	Ni Florida operates Tamiami under a contract with
603	S&W Officers, Directors, Shareholders	-	45,327	(45,327)	FUG. Therefore, all Salaries & Wages and Employee
604	Employee Pensions & Benefits	-	24,637	(24,637)	Benefit costs for 2009 are \$0.
610	Purchased Water	86,694	77,884	8,810	Purchased Water is related to volume and price.
615	Purchased Power	-	760	(760)	
620	Materials & Supplies	-	1,310	(1,310)	
630	Contract Services - Professional	980	150	830	
630	Contract Services - Operations	43,100	-	43,100	FUG operates Tamiami under a service contract.
630	Contract Services - Testing	-	1,415	(1,415)	
630	Contract Services - R&M	13,155	13,653	(498)	
630	Contract Services - Telephone Service	-	2,143	(2,143)	
640	Rents	-	8,368	(8,368)	Assume this is for office rent charged to Tamiami.
650	Transportation Expense	-	716	(716)	
655	Insurance Expense	698	3,598	(2,900)	
666	Reg Comm Exp - Rate Case Amort.	23,151	-	23,151	This represents a 4-year amortization of rate case exp.
670	Bad Debt Expense	7,205	-	7,205	This represents actual and pro forma bad debt exp.
675	Misc Expense - Bank Service Charges	-	1,300	(1,300)	
675	Misc Expense - Telephone	-	1,558	(1,558)	
675	Misc Expense - Credit Line Fee	-	150	(150)	
675	Misc Expense - Corp Annual Report	-	150	(150)	
675	Misc Expense - Postage	-	2,420	(2,420)	
675	Misc Expense - Permits	-	320	(320)	
675	Misc Expense - Occupational License	-	50	(50)	
675	Misc Expense - Office	972	1,173	(201)	
675	Misc Expense - Corporate Overhead	 175,649	-	175,649	This represents corporate overhead allocated to Tamiami.
	Total	\$ 351,604	\$ 197,539	\$ 154,065	-