

August 24, 2022

Writer's Direct Dial Number: (850) 521-1706  
Writer's E-Mail Address: bkeating@gunster.com

**BY E-PORTAL**

Mr. Adam Teitzman, Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: [New Filing] - In re: Application for Approval of a New Classes of Service for Bulk Wastewater Service by Ni Florida, Inc.

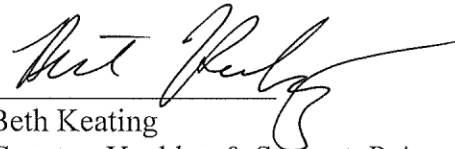
Dear Mr. Teitzman:

Attached for electronic filing, please find Ni Florida, Inc.'s Application for Approval of New Classes of Service for Bulk Wastewater Service in Hudson, Florida. Also included with this Application are the following tariff sheets:

Second Revised Sheet No. 11  
Original Sheet No. 12.3  
Original Sheet No. 12.4

Thank you for your assistance with this filing. As always, please don't hesitate to let me know if you have any questions.

Sincerely,



Beth Keating  
Gunster, Yoakley & Stewart, P.A.  
215 South Monroe St., Suite 601  
Tallahassee, FL 32301  
(850) 521-1706

Cc: Office of Public Counsel  
Division of Economics (Hudson)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Approval of a New  
Classes of Service for Bulk Wastewater  
Service by Ni Florida, Inc.

) DOCKET NO.  
)  
) FILED: August 24, 2022

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APPLICATION OF NI FLORIDA, INC. FOR APPROVAL OF NEW CLASSES OF SERVICE  
FOR BULK WASTEWATER SERVICE

Ni Florida, Inc. (herein “Applicant,” “Company” or “Ni”), by and through undersigned counsel, and pursuant to Section 367.091, Florida Statutes, and Rule 25-9.004, Florida Administrative Code, hereby petition the Florida Public Service Commission (“Commission”) for approval to establish new classes of service for Bulk Wastewater Service (“BWS”). In support of this Application, the Company states as follows:

1. The name, address, and telephone number of the Company is:

Ni Florida, Inc.  
10130 Scenic Drive  
Port Richey, Florida 34668  
(727) 287-9920

2. Ni Florida, Inc., is a utility providing water service in Lee County and wastewater service in Pasco County, pursuant to Commission Certificates No. 388-W and No. 104-S. As such, the Company is subject to the Commission’s jurisdiction under Chapter 367, Florida Statutes.

3. All notices, pleadings, and correspondence in this matter should be directed to:

Beth Keating, Esq.  
Gunster, Yoakley & Stewart, P.A.  
215 South Monroe St., Suite 601  
Tallahassee, FL 32301  
BKeating@gunster.com  
(850) 521-1706

Brian Bahr  
Director, Regulatory Affairs  
1620 Grand Avenue Parkway,  
Suite 140  
Pflugerville, TX 78660  
bbahr@swwc.com  
512-219-2261

4. The Commission is vested with jurisdiction in this matter in accordance with Sections 367.011 and 367.091, Florida Statutes, pursuant to which the Commission is authorized to establish rates and charges for public utilities, including the relief requested herein.

5. The Company is unaware of any material facts in dispute at this time, but the proceeding may involve disputed issues of material fact. The Company requests set forth herein do not involve reversal or modification of a Commission decision or proposed agency action. This is a Petition representing an initial request to the Commission, which is the affected agency located at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399.

6. The Applicant has entered into agreements to provide bulk wastewater service to Shadow Wood West and Shadow Wood Village (jointly, “Customers”), both exempt entities under Section 367.022(5), Florida Statutes, providing service to tenants on their properties, both of which are within the certificated service territory of Applicant. The Applicant purchases wastewater treatment from Pasco County and will not provide individual service within either of the Customers’ properties; thus, Applicant is not seeking an extension of service territory.

7. The contract with Shadow Wood Village provides for service under Ni’s Commercial Plant Capacity Charge Agreement (“Revised 2019 Agreement”) to the Shadow Wood Village address off Shadowwood Boulevard in Hudson, Florida, located south of New York Avenue and west of Little Road. In accordance with the Revised 2019 Agreement, the Customer has paid the required capacity charge for installation of the necessary facilities.

8. The contract with Shadow Wood West likewise provides for service under Ni’s New Commercial Agreement (2020 Agreement) to the Shadow Wood West address, which is off

New York Avenue, and located north of Black Britch Road and west of Shadowwood Boulevard. As with Shadow Wood Village, Shadow Wood West has also paid the required deposit.

9. The rate proposed to be paid by the Customers to the Applicant is \$9.27 per 1,000 gallons of water flow through the bulk two-inch and six-inch meters serving the Customers' approximately 260 mobile home properties, the same charge per 1,000 gallons currently approved for Ni's other two bulk wastewater customers. The Company estimates the cost to serve these two mobile-home new bulk wastewater customers is similar to the costs to serve Ni's existing bulk mobile-home wastewater customer, Club Wildwood, which is less than two miles away and similar in size and structure. As such, the Company has calculated the base facility charge using the same cost justification approved in Applicant's last rate case. See Order No. PSC-2016-0525-PAA-WS, at pgs. 35-37. This approach is consistent with sound regulatory principles requiring just fair and reasonable rates. The situation, at this time, does not warrant different treatment of charges when the customers are similarly situated.

10. Based upon the actual May 2022 demand of 607,000 gallons for Shadow Wood Village, and an estimated 127,000 gallons for Shadow Wood West, the Applicant estimates that the annual demand and resulting annual incremental revenues from these two new classes of service will be approximately 7,284,000 gallons and \$121,765 for Shadow Wood Village and 1,524,000 gallons and \$25,480 for Shadow Wood West. See Attachment A hereto for the relevant calculation.

11. In addition, there is a sense of urgency to connect these customers arising from a number of circumstances. As it relates to Shadow Wood Village, they have, until now, provided wastewater service to themselves. However, their existing wastewater treatment plant is nearing capacity and otherwise unable to accommodate additional homes on the system. Moreover, it

discharges to a 2-cell rapid infiltration basin (RIB), which, as the Commission is aware, can contribute to groundwater pollution. Moving the wastewater service to Applicant will, therefore, reduce this environmental risk factor, be in the public interest, and is consistent with the state wide water use of environmental sustainability.

12. The Applicant has ample excess capacity to meet the immediate requirements of the Customers' rates of flow. Service to these new Customers will not require curtailment or disruption of wastewater service to the Applicant's existing customers and will not result in additional costs to the general body of ratepayers. To the contrary, a larger customer base, over time, may help reduce upward pressure on rates of the Applicant.

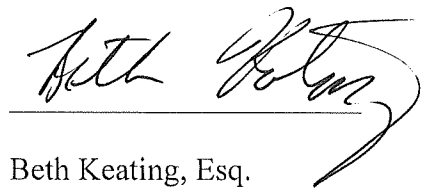
13. In addition, the Applicant asks that the Commission consider allowing the Applicant to file a general Bulk Service tariff applicable to its Hudson service territory to accommodate the efficient expedient provision of service to similarly situate bulk service customers. The northeast section of the Applicant's territory is subject to development by very similar residential developments, and likely to involve similar, mobile home/modular construction in the coming years. Costs to serve, assuming wastewater treatment plant capacity exists, will be very similar to the Customers addressed herein. As such, the Applicant respectfully suggests that allowing the filing of a more generic bulk service tariff for this specific geographic area would be administratively efficient and reduce regulatory lag. In turn, Applicant commits that, if a situation arises which is considered unique, Applicant will make a separate filing to the FPSC to address that situation.

14. Attached hereto as Attachment B are the two copies of the clean and legislative versions of the tariff reflecting the proposed new class of service for bulk wastewater service to each of the new Customers.

15. The Company has sent this Application, in accordance with Section 367.091(2), Florida Statutes, to the chief executive officer of the county impacted by this request and has also mailed a copy to the Commissioner in whose district these customers are located.

**WHEREFORE**, Ni Florida, Inc. respectfully asks that its proposed tariffs for new service be approved as filed, and that the Commission provide any other such relief as it may deem appropriate.

RESPECTFULLY SUBMITTED this 24th day of August, 2022.

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

Beth Keating, Esq.  
Gunster, Yoakley & Stewart, P.A.  
215 S. Monroe St., Ste 601  
Tallahassee, FL 32301  
(850) 521-1706  
*Attorneys for Ni Florida, Inc.*

**CERTIFICATE OF SERVICE**

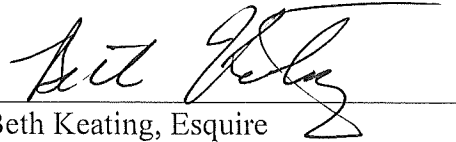
I hereby certify that a true and correct copy of the foregoing filing has been served by Electronic and U.S. Mail\* this 24th day of August, 2022, upon the following:

Richard Gentry  
Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison Street, Room 812  
Tallahassee, FL 32399-1400  
[Gentry.Richard@leg.state.fl.us](mailto:Gentry.Richard@leg.state.fl.us)

Keith Hetrick  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399

Kathryn Starkey, Chair\*  
Board of County Commissioners of  
Pasco County  
8731 Citizens Dr  
New Port Richey, FL 34654-5572

Jack Mariano, Commissioner\*  
Board of County Commissioners of  
Pasco County  
8731 Citizens Dr  
New Port Richey, FL 34654-5572



Beth Keating, Esquire  
Florida Bar No. 0022756  
Gunster Law Firm  
215 South Monroe Street  
Suite 601  
Tallahassee, FL 32301

*Attorneys for Ni Florida, Inc.*

## Attachment A

### *Shadow Wood West*

Number of Modular Units	45.00
Mobile Home Factor per Rule 25-30.055 (1)(a)	0.80
ERCs	<u>36.00</u>
x Base Fee per ERC	\$ 26.28
Estimated Monthly Base Rate	<u>\$ 946.08</u>
Usage Rate per kgal	9.27
x Usage*	<u>127,000</u>
Estimated Monthly Usage Rate	<u>\$ 1,177.29</u>
Total Estimated Monthly Bill	<u>\$ 2,123</u>
Estimated Annualized Revenue	\$ 25,480

### *Shadow Wood Village*

Number of Modular Units	215.00
Mobile Home Factor per Rule 25-30.055 (1)(a)	0.80
ERCs	<u>172.00</u>
x Base Fee per ERC	\$ 26.28
Estimated Monthly Base Rate	<u>\$ 4,520.16</u>
Usage Rate per kgal	9.27
x Usage*	<u>607,000</u>
Estimated Monthly Usage Rate	<u>\$ 5,626.89</u>
Total Estimated Monthly Bill	<u>\$ 10,147</u>
Estimated Annualized Revenue	\$ 121,765

\* *Shadow Wood Village actual usage of 607,000 gallons from 5/14/22 - 6/15/22; Usage for Shadow Wood West estimated based on Shadow Wood Village actuals pro rata by ERCs*



**ATTACHMENT B**

**PROPOSED TARIFF SHEET**

Second Revised Sheet No. 11

Original Sheet No. 12.3

Original Sheet No. 12.4

NI FLORIDA, INC.  
WASTEWATER TARIFF

~~FIRST~~ SECOND REVISED SHEET NO. 11.0  
CANCELS ~~ORIGINAL~~ FIRST REVISED SHEET NO. 11.0

INDEX OF RATES AND CHARGES SCHEDULES

	<u>Sheet Number</u>
Customer Deposits.....	14.0
General Service, GS .....	12.0
Bulk Service, BS(Club Wildwood Mobile Home Park) .....	12.1
Bulk Service, BS(Gulf Island Beach and Tennis Club) .....	12.2
<u>Bulk Service, BS(Shadow Wood West Mobile Home Park).....</u>	<u>12.3</u>
<u>Bulk Service, BS(Shadow Wood Village Mobile Home Park).....</u>	<u>12.4</u>
Miscellaneous Service Charges.....	15.0
Residential Service, RS .....	13.0

WS-2022-0062

CRAIG SORENSEN  
ISSUING OFFICER

PRESIDENT  
TITLE

NI FLORIDA, INC.  
WASTEWATER TARIFF

ORIGINAL SHEET NO. 12.3

BULK SERVICE

RATE SCHEDULE (BS)

AVAILABILITY - Shadow Wood West Mobile Home Park served by the Company.

APPLICABILITY - For wastewater service to the Shadow Wood West Mobile Home Park served by the Company.

LIMITATIONS - Subject to all of the Rules and Regulations of this Tariff and General Rules and Regulations of the Commission.

BILLING PERIOD - Monthly

RATE - Base Facility Charge (36 ERCs) \$ 946.08

Charge per 1,000 gallons \$ 9.27

MINIMUM CHARGE - Base Facility Charge

TERMS OF PAYMENT - Bills are due and payable when rendered. In accordance with Rule 25-30.320, Florida Administrative Code, if a Customer is delinquent in paying the bill for wastewater service, service may then be discontinued.

EFFECTIVE DATE -

TYPE OF FILING -

WS-2022-0062

CRAIG SORENSEN  
ISSUING OFFICER

PRESIDENT  
TITLE

BULK SERVICE

RATE SCHEDULE (BS)

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LIMITATIONS - Subject to all of the Rules and Regulations of this Tariff and General Rules and Regulations of the Commission.

BILLING PERIOD - Monthly

RATE - Base Facility Charge (172 ERCs) \$4,520.16

Charge per 1,000 gallons \$ 9.27

MINIMUM CHARGE - Base Facility Charge

TERMS OF PAYMENT - Bills are due and payable when rendered. In accordance with Rule 25-30.320, Florida Administrative Code, if a Customer is delinquent in paying the bill for wastewater service, service may then be discontinued.

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BULK SERVICE

RATE SCHEDULE (BS)

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BILLING PERIOD - Monthly

RATE -

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NI FLORIDA, INC.  
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FIRST-~~SECOND~~ REVISED SHEET NO. 11.0  
CANCELS ORIGINAL-~~FIRST~~ REVISED SHEET NO. 11.0

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CRAIG SORENSEN  
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NI FLORIDA, INC.  
WASTEWATER TARIFF

ORIGINAL SHEET NO. 12.4

BULK SERVICE

RATE SCHEDULE (BS)

AVAILABILITY - Shadow Wood Village Mobile Home Park served by the Company.

APPLICABILITY - For wastewater service to the Shadow Wood Village Mobile Home Park served by the Company.

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