

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for authority to collect non-sufficient funds charges, pursuant to Sections 68.065 and 832.08(5), F.S., by Pluris Wedgefield, Inc.

DOCKET NO. 100170-WS
ORDER NO. PSC-10-0364-TRF-WS
ISSUED: June 7, 2010

The following Commissioners participated in the disposition of this matter:

NANCY ARGENZIANO, Chairman
LISA POLAK EDGAR
NATHAN A. SKOP
DAVID E. KLEMENT
BEN A. "STEVE" STEVENS III

ORDER APPROVING NON-SUFFICIENT FUNDS FEES

BY THE COMMISSION:

Background

Pluris Wedgefield, Inc. (Pluris or utility) is a Class A water and wastewater utility serving approximately 1,670 water and 1,584 wastewater customers in Orange County. The utility is located in the St. Johns River Water Management District (SJRWMD) and is in a priority water resource caution area. The utility's annual report for 2008 shows the utility's gross operating revenue is \$680,211 and \$741,450 and net operating income is \$45,336 and \$70,385 for water and wastewater, respectively. On September 8, 2009, Pluris was transferred from Wedgefield Utilities, Inc. to Pluris Wedgefield, LLC.¹

This order allows Pluris to collect non-sufficient funds (NSF) charges pursuant to Sections 68.065 and 832.08(5), Florida Statutes (F.S.). We have jurisdiction to consider this matter pursuant to Section 367.091, F.S.

Analysis and Ruling

Section 367.091, F.S., requires that rates, charges, and customer service policies be approved by this Commission. We have authority to establish, increase, or change a rate or charge. Pluris has requested an NSF fee in accordance with Sections 68.065 and 832.08(5), F.S.

We find that Pluris shall be authorized to collect an NSF fee. The NSF fee shall be established consistent with Section 68.065, F.S., which allows for the assessment of charges for

¹ See Order No. PSC-09-0610-FOF-WS, issued September 8, 2009, in Docket No. 090232-WS, In re: Joint application for authority to transfer assets and Certificate Nos. 404-W and 341-S in Orange County from Wedgefield Utilities, Inc. to Pluris Wedgefield, LLC.

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PSC - COMMISSION CLERK

the collection of worthless checks, drafts, or orders of payment. As currently set forth in Section 832.08(5), the following fees may be assessed:

- 1) \$25, if the face value does not exceed \$50,
- 2) \$30, if the face value exceeds \$50 but does not exceed \$300,
- 3) \$40, if the face value exceeds \$300,
- 4) or five percent of the face amount of the check, whichever is greater.

Pluris's tariff for an NSF fee shall be revised to reflect the charges set by Sections 68.065 and 832.08(5), F.S., as may be amended.

Approval of an NSF fee is consistent with our prior decisions.² Furthermore, an NSF fee places the cost on the cost-causer, rather than requiring that the costs associated with the return of the non-sufficient-funds checks be spread across the general body of ratepayers. As such, Pluris's proposed NSF fee is hereby approved. The fee shall be effective on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475(1), Florida Administrative Code. In addition, the rates shall not be implemented until our staff has approved the proposed customer notice. The Utility shall provide proof of the date the notice was given no less than 10 days after the date of the notice.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Pluris Wedgefield, Inc. is hereby authorized to collect non-sufficient funds fees in accordance with Sections 68.065 and 832.08(5), Florida Statutes. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event a protest is filed, the tariff shall remain in effect, with any revenues held subject to refund, pending resolution of the protest. It is further

ORDERED that this docket shall remain open to allow our staff to verify that the revised tariff sheets and customer notice have been filed by the Utility and approved by staff. Once

² See Order Nos. PSC-10-0168-PAA-SU, issued March 23, 2010, in Docket No. 090182-SU, In re: Application for increase in wastewater rates in Pasco County by Ni Florida, LLC; and PSC-94-0036-FOF-TL, issued January 11, 1994, in Docket No. 930901-TL, In re: Request for approval of tariff filing to increase service connection charges and establish a non-sufficient funds check charge by Vista-United Telecommunications.

staff has verified that the revised tariff sheets and customer notice have been filed by the Utility and approved, the docket shall be closed administratively.

By ORDER of the Florida Public Service Commission this 7th day of June, 2010.

ANN COLE
Commission Clerk

By: Dorothy E. Menasco
Dorothy E. Menasco
Chief Deputy Commission Clerk

(S E A L)

ARW

NOTICE OF FURTHER PROCEEDINGS

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the proposed action files a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on June 28, 2010.

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In the absence of such a petition, this Order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.