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MARTIN S. FRIEDMAN, P.A.  
CHRISTIAN W. MARCELLI  
BRIAN J. STREET

July 21, 2009

HAND DELIVERY

RECEIVED-FPSC  
09 JUL 21 PM 12:07  
COMMISSION  
CLERK

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

RE: Docket No. 090182-SU; Ni Florida, LLC's Application for Increase in Wastewater Rates in Pasco County, Florida  
Our File No.: 43053.03

Dear Ms. Cole:

Enclosed are the following for filing in the above-referenced docket:

- Sixteen (16) copies of the Application for Increase in Rates.
- Sixteen (16) copies of the Minimum Filing Requirements (Volume I).
- Two (2) copies of the Billing Analysis (Volume II).
- Two (2) copies of the Additional Engineering Information (Volume III).
- Sixteen (16) copies of the Affidavit required by Rule 25-22.0407, Florida Administrative Code.

COM  
**ECR** \*  
 GCL 2  
 OPC  
 RCP  
 SSC  
 SGA  
 ADM  
 CLK

- The original and three (3) copies of the proposed Interim Rate Tariff Sheets (Exhibit "B" to the Application). \* 2 copies forwarded to ECR. pur
- The original and three (3) copies of the proposed Final Rate Tariff Sheets (Exhibit "C" to the Application). \* 2 copies forwarded to ECR. evn,

DOCUMENT NUMBER-DATE

07358 JUL 21 09

FPSC-COMMISSION CLERK

Ann Cole, Commission Clerk  
Office of Commission Clerk  
July 21, 2009  
Page 2

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- Our check in the amount of \$3,500.00 representing the appropriate filing fee.

Should you 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: Mark B. Myers, V.P. Development (w/enclosures)  
Mr. Donald Clayton (w/enclosures)

M:\1 ALTAMONTEANI FLORIDA, LLC\(.03) 2008 TY Rate Case\PSC Clerk 01 (Filing Application).ltr.wpd

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of  
NI FLORIDA, LLC  
for an increase in wastewater  
rates in Pasco County, Florida

DOCKET NO. 090182-SU

APPLICATION FOR INCREASE IN RATES

Applicant, NI FLORIDA, LLC (the "Utility"), by and through its undersigned attorneys and pursuant to Section 367.081 and 367.082, Florida Statutes, and Chapter 25-30, Florida Administrative Code, files this Application for an increase in its wastewater rates and charges in Pasco County, Florida.

Preliminary Matters

1. The following information is provided pursuant to Rule 25-30.436, Florida Administrative Code:

(a) (i) The name of the Utility and its mailing address is:

Ni Florida, LLC  
10913 Metronome  
Houston, TX 77043-2201

(ii) The names and address of the persons authorized to receive notices and communications in respect to this application are:

Martin S. Friedman, Esquire  
Christian W. Marcelli, Esquire  
Rose, Sundstrom & Bentley, LLP  
2180 W. State Road 434, Suite 2118  
Longwood, FL 32799  
Telephone: (407) 830-6331/Fax: (407) 830-8522  
Email: [mfriedman@rsbattorneys.com](mailto:mfriedman@rsbattorneys.com)  
[cmarcelli@rsbattorneys.com](mailto:cmarcelli@rsbattorneys.com)

DOCUMENT NUMBER-DATE

07358 JUL 21 8

FPSC-COMMISSION CLERK

(b) The Utility is a Delaware limited liability company organized on November 16, 2007. The names and addresses of the persons owning more than 5% of the Utility's stock are:

Ni America Capital Management, LLC 100%  
10913 Metronome Drive  
Houston, TX 77043

(c) The last rate proceeding was in Docket No. 900293-SU, which culminated in Order No. 23810, issued November 27, 1990, utilizing a test year ending December 31, 1990. That Order was declared final in Order No. 25787, issued February 24, 1992. Rate base was last set in Docket No. 070740-SU, which culminated in Order No. PSC-09-0017-PAA-SU.

(d) The address where the Application is available for customer inspection during the time the rate application is pending is:

Regency Park Branch Library  
9701 Little Road  
New Port Richey, FL 34654

(e) The Utility is requesting wastewater rates and miscellaneous service charges which would allow it to recover all expenses that the Utility will incur on a going-forward basis utilizing an historical test year, and generate a fair rate of return on its investment on all property considered used and useful in the public service.

The Utility has demonstrated through the supporting schedules within the attached Volume I that it is earning outside its range of reasonable returns, calculated in accordance with Section 367.082(5), Florida Statutes. Submitted as part of Volume I are schedules of rate base (Schedule A-2), cost of capital (Schedule D-1) and net operating income (Schedule B-2), as applicable, pursuant to Commission Rule 25-30.437(5), F.A.C.

(f) The Affidavit of Edward R. Wallace, President of the Utility, that the Utility will comply with Rule 25-22.0407, F.A.C., is attached hereto as Exhibit “A”.

(g) The Utility requests that this Application be processed under the Commission=s proposed agency action procedure outlined in Section 367.081(8), Florida Statutes.

2. The appropriate filing fee of \$3,500.00 is filed herewith.

3. The Utility knows of no deviations from the policies, procedures and guidelines prescribed by the Commission in relevant rules or in the Utility=s last rate case.

#### Additional Information

##### I.

Sixteen copies of the Utility’s Financial, Rate and Engineering Minimum Filing Requirements (Form PSC/WAW 20) are provided herewith as **Volume I**.

##### II.

The Utility has costs or charges to it from an affiliate or related party. These costs are reported in Schedule B-12 of **Volume I**. The allocation methodology is explained in Schedule B-12 and is based on ERCs. The Utility does not have a written agreement with Ni American Operating LLC, the affiliate that provides accounting and other services to the Utility. An organizational chart reflecting the corporate relationship of the Utility, parent company and affiliates is attached hereto as Exhibit “B”.

III.

Two copies of the Billing Analysis Schedules as required by Rule 25-30.437(4) are provided herewith as **Volume II**.

IV.

Two copies of the Additional Engineering Information required by Rule 25-30.440(2)-(10), F.A.C. are provided herewith as **Volume III**.

V.

One copy of a detailed system map, as required by Section 25-30.440(1)(a) and (b), will be provided.

VI.

The original and two (2) copies of the Revised Tariff Sheets reflecting the proposed interim and final wastewater rates and miscellaneous service charges are attached hereto as **Exhibit "C"** and **Exhibit "D"**, respectively.

VII.

The Utility requests that the Commission not withhold consent to the effectiveness of the proposed final wastewater rate increase as requested in this Application in accordance with the schedules contained in **Volume I** and the tariffs contained in **Exhibit "D"**.

WHEREFORE, the Utility requests that the Florida Public Service Commission do the following:

1. Accept jurisdiction of this Application to grant an increase in wastewater rates and charges utilizing the PAA procedure outlined in Section 367.081(8), F.S.

2. Grant interim and final wastewater rates and charges as requested herein and contained in the tariffs included in Exhibit "C" and Exhibit "D".
3. Provide such other and further relief as is fair, just and equitable.

Respectfully submitted this 20<sup>th</sup> day of July, 2009, by:

ROSE, SUNDSTROM & BENTLEY, LLP  
2180 W. State Road 434, Suite 2118  
Longwood, FL 32799  
Telephone: (407) 830-6331  
Fax: (407) 830-8522  
[mfriedman@rsbattorneys.com](mailto:mfriedman@rsbattorneys.com)  
[cmarcelli@rsbattorneys.com](mailto:cmarcelli@rsbattorneys.com)



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MARTIN S. FRIEDMAN  
CHRISTIAN W. MARCELLI  
For the Firm

NOTE:

IN ACCORDANCE WITH PUBLIC SERVICE COMMISSION RULE 25-22.0407(2), THE MFRs, WHEN ACCEPTED BY THE COMMISSION, CAN BE OBTAINED FROM THE UTILITY UPON REQUEST.

**EXHIBIT "A"**

Affidavit of Utility Officer Pursuant to  
Rule 25-30.436(1)(f), Florida Administrative Code

AFFIDAVIT OF EDWARD R. WALLACE

STATE OF TEXAS

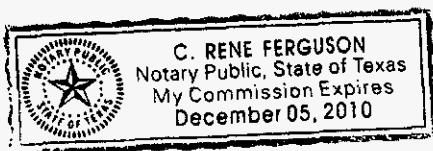
COUNTY OF Harris

BEFORE ME, personally appeared EDWARD R. WALLACE, who is the President of NI FLORIDA, LLC, who states that Ni Florida, LLC will comply with the noticing requirements of Rule 25-22.0407, Florida Administrative Code.

Edward R. Wallace

NAME:

Sworn to and subscribed before me this 30<sup>th</sup> day of June, 2009, by Edward R. Wallace, President of Ni Florida, LLC, who is personally known to me or has produced as identification.



C. Rene Ferguson  
NOTARY PUBLIC - STATE OF TEXAS

Printed Name: C. Rene Ferguson

My Commission Expires: 12-5-2010

**EXHIBIT "B"**

Organizational Chart

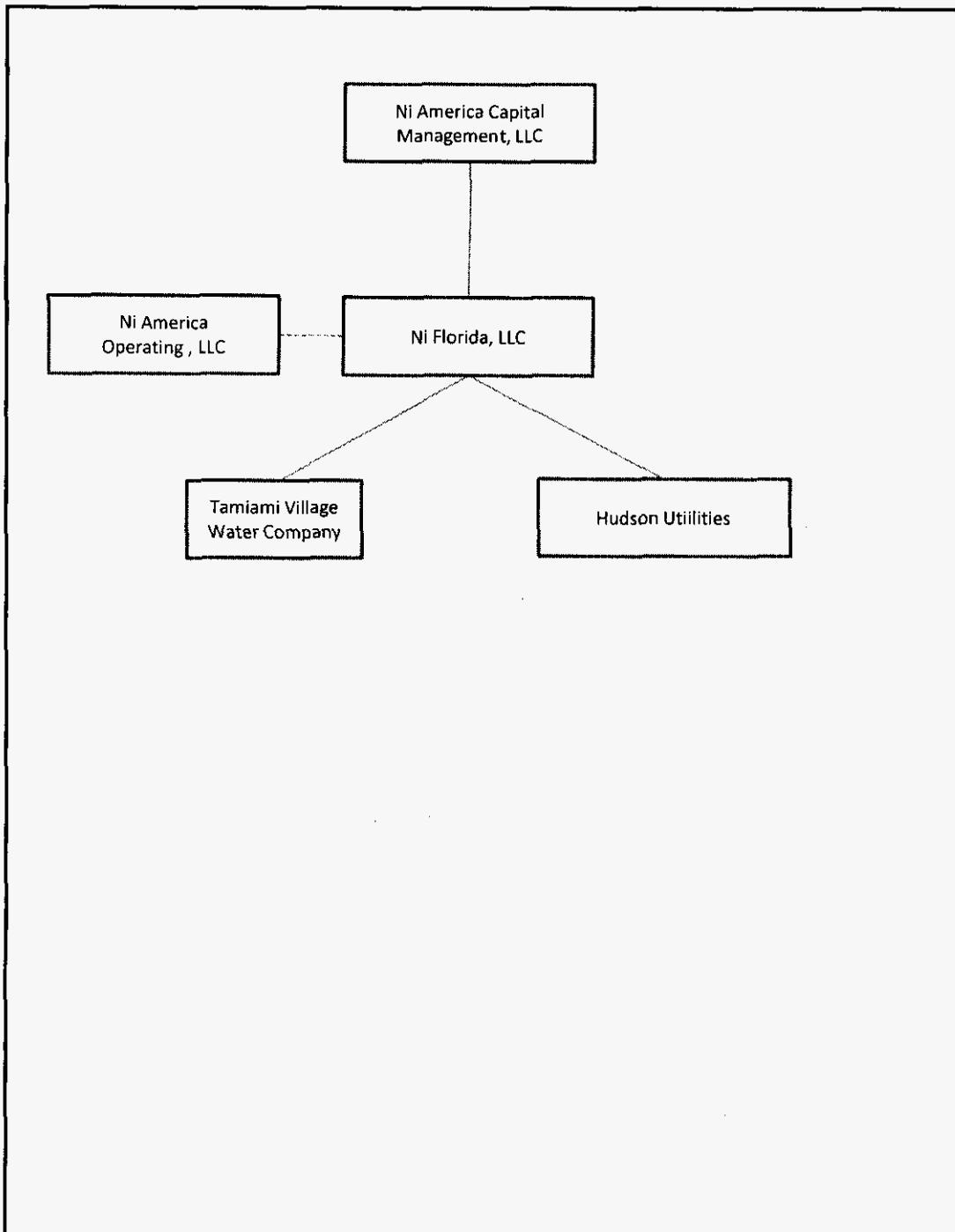
UTILITY NAME: Ni Florida

**YEAR OF REPORT**  
December 31, 2008

**PARENT / AFFILIATE ORGANIZATION CHART**

Current as of December 31, 2008

Complete below an organizational chart that shows all parents, subsidiaries and affiliates of the utility.  
The chart must also show the relationship between the utility and affiliates listed on E-7, E-10(a) and E-10(b).



**EXHIBIT "C"**

**Proposed Interim Rate Sheets**

GENERAL SERVICE

RATE SCHEDULE GS

AVAILABILITY - Available throughout the area served by the Company.

APPLICABILITY - For wastewater service to all customers for which no other schedule applies.

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

BILLING PERIOD - Monthly

<u>RATES</u>	<u>Meter Size</u>	<u>Base Facility Charge</u>
	5/8" x 3/4"	\$ 19.65
	Full 3/4"	\$ 29.44
	1"	\$ 49.08
	1 1/2"	\$ 98.15
	2"	\$ 157.07
	3"	\$ 314.14
	4"	\$ 490.83
	6"	\$ 981.70
	8"	\$ 1,570.70
	10"	\$ 2,257.92

Gallage Charge -  
per 1,000 gallons \$ 7.73

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 pay the bill for wastewater service, then service may be discontinued.

EFFECTIVE DATE - \_\_\_\_\_

TYPE OF FILING - Interim Rates

ED WALLACE  
ISSUING OFFICER  
CFO  
TITLE

RESIDENTIAL SERVICE

RATE SCHEDULE RS

- AVAILABILITY - Available throughout the service area for the Company.
- APPLICABILITY - For wastewater service for all purposes in private residences and individually metered apartment units.
- 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                      \$19.65  
(All meter sizes)

Gallonge Charge –  
per 1,000 gallons                      \$ 6.47  
(10,000 gallons max)

MINIMUM CHARGE - \$19.65 per month

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 pay the bill for wastewater service, then service may be discontinued.

EFFECTIVE DATE - \_\_\_\_\_

TYPE OF FILING - Interim Rates

ED WALLACE \_\_\_\_\_  
ISSUING OFFICER  
CFO \_\_\_\_\_  
TITLE

MULTI-RESIDENTIAL SERVICE

RATE SCHEDULE MS

- AVAILABILITY - Available throughout the service area for the Company.
- APPLICABILITY - For wastewater service to all master-metered residential customers including, but not limited to, condominium, apartments and mobile home parks.
- LIMITATIONS - Subject to all of the Rules and Regulations of this Tariff and General Rules and Regulations of the Commission.
- BILLING PERIOD - Monthly

<u>RATES</u>	<u>Meter Size</u>	<u>Base Facility Charge</u>
	5/8" x 3/4"	\$ 19.65
	Full 3/4"	\$ 29.44
	1"	\$ 49.08
	1 1/2"	\$ 98.15
	2"	\$ 157.07
	3"	\$ 314.14
	4"	\$ 490.83
	6"	\$ 981.70
	8"	\$ 1,570.70
	10"	\$ 2,257.92
	<u>Gallonage Charge –</u> per 1,000 gallons	\$ 8.08

- MINIMUM CHARGE - \$19.65 per month
- 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 pay the bill for wastewater service, then service may be discontinued.
- EFFECTIVE DATE - \_\_\_\_\_
- TYPE OF FILING - Interim Rates

ED WALLACE  
ISSUING OFFICER  
CFO  
TITLE

**EXHIBIT "D"**

Proposed Final Rate Sheets

GENERAL SERVICE

RATE SCHEDULE GS

AVAILABILITY - Available throughout the area served by the Company.

APPLICABILITY - For wastewater service to all customers for which no other schedule applies.

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

BILLING PERIOD - Monthly

<u>RATES</u>	<u>Meter Size</u>	<u>Base Facility Charge</u>
	5/8" x 3/4"	\$ 19.98
	Full 3/4"	\$ 29.94
	1"	\$ 49.89
	1 1/2"	\$ 99.77
	2"	\$ 159.65
	3"	\$ 319.30
	4"	\$ 498.88
	6"	\$ 997.80
	8"	\$ 1,596.46
	10"	\$ 2,294.93
	<u>Gallonage Charge</u> - per 1,000 gallons	\$ 7.85

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 pay the bill for wastewater service, then service may be discontinued.

EFFECTIVE DATE - \_\_\_\_\_

TYPE OF FILING - 2009 Rate Case

ED WALLACE  
ISSUING OFFICER  
CFO  
TITLE

RESIDENTIAL SERVICE

RATE SCHEDULE RS

- AVAILABILITY - Available throughout the service area for the Company.
- APPLICABILITY - For wastewater service for all purposes in private residences and individually metered apartment units.
- LIMITATIONS - Subject to all of the Rules and Regulations of this Tariff and General Rules and Regulations of the Commission.
- BILLING PERIOD - Monthly
- RATE -
- |  |         |
|--|---------|
| <u>Base Facility Charge</u><br>(All meter sizes)                       | \$19.98 |
| <u>Gallonage Charge</u> –<br>per 1,000 gallons<br>(10,000 gallons max) | \$ 6.57 |
- MINIMUM CHARGE - \$19.98 per month
- 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 pay the bill for wastewater service, then service may be discontinued.
- EFFECTIVE DATE - \_\_\_\_\_
- TYPE OF FILING - 2009 Rate Case

ED WALLACE  
ISSUING OFFICER  
CFO  
TITLE

MULTI-RESIDENTIAL SERVICE

RATE SCHEDULE MS

- AVAILABILITY - Available throughout the service area for the Company.
- APPLICABILITY - For wastewater service to all master-metered residential customers including, but not limited to, condominium, apartments and mobile home parks.
- LIMITATIONS - Subject to all of the Rules and Regulations of this Tariff and General Rules and Regulations of the Commission.
- BILLING PERIOD - Monthly

<u>RATES</u>	<u>Meter Size</u>	<u>Base Facility Charge</u>
	5/8" x 3/4"	\$ 19.98
	Full 3/4"	\$ 29.94
	1"	\$ 49.89
	1 1/2"	\$ 99.77
	2"	\$ 159.65
	3"	\$ 319.30
	4"	\$ 498.88
	6"	\$ 997.80
	8"	\$ 1,596.46
	10"	\$ 2,294.93
	<u>Gallonge Charge –</u> per 1,000 gallons	\$ 8.20

- MINIMUM CHARGE - \$19.98 per month
- 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 pay the bill for wastewater service, then service may be discontinued.
- EFFECTIVE DATE - \_\_\_\_\_
- TYPE OF FILING - 2009 Rate Case

ED WALLACE  
ISSUING OFFICER  
CFO  
TITLE

MISCELLANEOUS SERVICE CHARGES

The Company may charge the following miscellaneous service charges in accordance with the terms also stated herein.

INITIAL CONNECTION - This charge would be levied for service initiation at a location where service did not exist previously.

NORMAL RECONNECTION - This charge would be levied for transfer of service to a new customer account at a previously served location or reconnection of service subsequent to a customer requested disconnection.

VIOLATION RECONNECTION - This charge would be levied prior to reconnection of an existing customer after disconnection of service for cause according to Rule 25-30.320(2), Florida Administrative Code, including a delinquency in bill payment.

PREMISES VISIT CHARGE - This charge would be levied when a service representative visits a premises for the purpose of discontinuing service for nonpayment of a due and collectible bill and does not discontinue service because the customer pays the service representative or otherwise makes satisfactory arrangements to pay the bill. This charge will also be levied when a service representative visits a premises at a customer's request for complaint resolution or for other purposes and the problem is found to be the customer's responsibility.

Schedule of Miscellaneous Service Charges

	<u>Business Hours</u>	<u>After Hours</u>
Initial Connection Fee	\$ <u>27.00</u>	\$ <u>40.00</u>
Normal Reconnection Fee	\$ <u>27.00</u>	\$ <u>40.00</u>
Violation Reconnection Fee	Actual Cost	Actual Cost
Premises Visit Fee	\$ <u>18.00</u>	\$ <u>27.00</u>

EFFECTIVE DATE - \_\_\_\_\_

TYPE OF FILING - 2009 Rate Case

ED WALLACE  
ISSUING OFFICER  
CFO  
TITLE