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Public Service Commission

September 28, 2009

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COMMISSION
CLERK

Mr. Martin S. Friedman
Rose, Sundstrom & Bentley, LLP
2180 W. State Road 434, Suite 2118
Longwood, FL 32779

Re: Docket No. 090182-SU - Application for increase in wastewater rates in Pasco County by Ni Florida, LLC.

Dear Mr. Friedman:

In reviewing Ni Florida, LLC's (Ni Florida or Utility) approval tariff, staff discovered that the Utility does not have an authorized late payment fee or "late penalty fee." However, on MFR Schedule E-5, Ni Florida reflected \$19,959 related to "Late Penalty Fees." Pursuant to Rule 25-30.135, Florida Administrative Code (F.A.C.), a utility may not modify or revise its schedules of rates and charges until the utility files and receives approval from the Commission for any such modification or revision. Accordingly, the Utility appears to be in violation of Rule 25-30.135, F.A.C.

If the Utility does not cease collecting late penalty fees from customers and adequately explain its collection of these apparently unauthorized fees, staff will recommend to the Commission that the Utility be required to show cause in writing why it should not be fined for this violation pursuant to Section 367.161, Florida Statutes.

Sincerely,

A handwritten signature in black ink, appearing to read "Anna R. Williams".

Anna R. Williams
Attorney

cc: Division of Economic Regulation (Bulecza-Banks, Fletcher, Linn, Mouring, Willis)
Office of Commission Clerk ✓
Ni Florida, LLC

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