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Public Service Commission

October 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. 090392-WS - Application for increase in water and wastewater rates in Lake County by Utilities, Inc. of Pennbrooke**

Dear Mr. Friedman:

In reviewing Utilities, Inc. of Pennbrooke's (Pennbrooke or Utility) approved tariff, staff discovered that the Utility does not have an authorized "NSF check charge." However, on MFR Schedule E-5, Pennbrooke reflected \$105 related to "NSF check charges." 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 NSF check charges 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 "Jennifer Brubaker".

Jennifer Brubaker  
Attorney Supervisor

cc: Division of Economic Regulation (Bulecza-Banks, Fletcher, Deason, Rieger)  
Office of Commission Clerk

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