

**Ruth Nettles**

090402-WS

**From:** Trina Collins [TCollins@RSBAttorneys.com]  
**Sent:** Wednesday, November 04, 2009 10:00 AM  
**To:** Filings@psc.state.fl.us  
**Cc:** Lisa Bennett; jphoy@uiwater.com; keweeks@uiwater.com; Martin Friedman; Christian W. Marcelli; Trina Collins  
**Subject:** Filing in Docket No.: 090402-WS; Application of Sanlando Utilities Corporation for an Increase in Water and Wastewater Rates in Seminole County, Florida  
**Importance:** High  
**Attachments:** Bennett (Senior Atty) 01 (filing re NSF check charges).11-04-2009(2).pdf

- a. Martin S. Friedman, Esq.  
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- b. Docket No.: 090402-WS; Application of Sanlando Utilities Corporation for an Increase in Water and Wastewater Rates in Seminole County, Florida - Filing the Utility's response to Lisa C. Bennett, Senior Attorney's October 13, 2009 letter regarding Sanlando Utilities Corporation proposing NSF check charges when it receives an NSF check from a customer.
- c. Sanlando Utilities Corporation
- d. 2 Pages.
- e. Letter to Lisa C. Bennett, Senior Attorney, Florida Public Service Commission - 2 pages.

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REPLY TO CENTRAL FLORIDA OFFICE

MARTIN S. FRIEDMAN, P.A.  
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ROBERT M. C. ROSE (1924-2006)

November 4, 2009

VIA E-MAIL

Lisa C. Bennett, Senior Attorney  
Florida Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

RE: Docket No.: 090402-WS; Application of Sanlando Utilities Corporation for an Increase  
in Water and Wastewater Rates in Seminole County, Florida  
Our File No. 30057.183

Dear Ms. Bennett:

This correspondence is in response to your October 13, 2009 letter regarding Sanlando Utilities Corporation proposing NSF check charges when it receives an NSF check from a customer.

As you are no doubt aware, Section 832.07, Florida Statutes, grants to every recipient of a dishonored check the right to demand payment in the full amount of such check, plus a service charge as set forth in that Statute. This is a statutory fee to which a Utility, just as any other business, may impose. As such, we do not believe that it is necessary for a Utility to have an approved NSF check charge prior to being able to impose such charge upon a customer so long as such charge is imposed in accordance with Section 832.07, Florida Statutes. If such charge was required to be included in the Utility's Tariff, would you also have to include that if the Utility sued the customer for the dishonored check, would the Utility also have to include the Utility's entitlement to court costs and attorneys fees if it is successful in such action. Those rights to court costs and attorneys fees are also statutorily set forth in Section 832.07, Florida Statutes.

Would the Tariff also have to include a Utility's right to treble damages of \$1,000.00, whichever is greater, should one of its customers be found in violation of Section 812.14 in a civil lawsuit? These types of charges which the legislature has

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specifically allowed to be collected by utility companies should not also then have to have a separate level of approval by being included in the Utility's Tariff.

Notwithstanding my disagreement with the position in which you have taken in this matter, I have instructed the Utility to cease to collect NSF check charges until the Commission has determined that it is not necessary to have such charges established in a Utility Tariff or the Utility has such a provision in its Tariff.

Should you have any questions or concerns regarding this filing, please do not hesitate to give me a call.

Very truly yours,



MARTIN S. FRIEDMAN  
For the Firm

MSF/tlc

cc: Ann Cole, Commission Clerk, Office of Commission Clerk (via e-filing)  
John Hoy, Chief Regulatory Officer (via e-mail)  
Ms. Kirsten E. Weeks (via e-mail)

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