



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

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 COMMISSION
 CLERK

DATE: April 8, 2010

TO: Valorie P. Moore, Accountant IV, Division of Administrative Services

FROM: Ralph R. Jaeger, Senior Attorney, Office of the General Counsel

RE: Request for permission from Department of Financial Services to write-off the 2005 Regulatory Assessment Fees, plus accumulated penalty and interest, due from Loch Harbour Utilities, Inc., pursuant to Order No. PSC-10-0172-WU, issued March 25, 2010, in Docket No. 060332-WS, Application for transfer of water and wastewater facilities to Marion County, and for cancellation of Certificate Nos. 312-S and 356-W, by Loch Harbour Utilities, Inc.

On April 7, 2006, Docket No. 060332-WS was established to address the transfer of the water and wastewater facilities of Loch Harbour Utilities, Inc. (Loch Harbour), to Marion County. In processing this transfer, the Public Service Commission (Commission) determined that though Loch Harbour had operated as a water and wastewater utility through November 2005, it had only paid the required regulatory assessment fees (RAFs) for its operations through the end of 2004. By Order No. PSC-10-0172-FOF-WU, issued March 25, 2010, the Commission determined that Loch Harbour had not paid the correct RAFs, plus associated penalties and interest, as required by Sections 367.145 and 350.113(3) and (4), Florida Statutes, and Rule 25-30.120(7)(a), Florida Administrative Code.

Further, in Order No. PSC-10-1072-FOF-WU, the Commission noted that Loch Harbour had given notice of abandonment, that Marion County had operated the utility since November 2005, that a notice of delinquency for failure to remit the 2005 RAFs was mailed to Loch Harbour on April 1, 2006, and that Commission staff had made several inquiries in an attempt to collect the unpaid amount, but never received any response from Loch Harbour. Based on the above, the Commission determined that further collection efforts would be fruitless, would not be cost effective, and that collection of any fees was highly unrealistic. Therefore, the Commission ordered that staff "refer Loch Harbour's unpaid RAFs for 2005, plus penalties and interest, to the Department of Financial Services for permission to write off the account as uncollectible." As of March 16, 2010, the amounts found to be due were as follows:

<u>DOCKET NUMBER</u>	<u>UTILITY NAME</u>	<u>PRINCIPLE/ PENALTY/INTEREST</u>	<u>TOTAL (3/16/10)</u>
060332-WS	Loch Harbour Utilities, Inc.	\$409.26/\$102.31/\$196.44	\$708.02

DOCUMENT NUMBER-DATE

02682 APR-9 0

FPSC-COMMISSION CLERK

Therefore, in accordance with Order No. PSC-10-0172-FOF-WU, staff requests that the Division of Administrative Services/Fiscal Services Section take the appropriate steps to seek permission from the Department of Financial Services to write off the uncollected 2005 RAFs from Loch Harbour, plus penalties and interest, as uncollectible.

RRJ/th

cc: Division of Economic Regulation (Maurey, Slemkewicz, Clapp, Marsh, Walden)

**STATE OF FLORIDA
DEPARTMENT OF FINANCIAL SERVICES
BUREAU OF ACCOUNTING
DELINQUENT ACCOUNTS RECEIVABLE TRANSMITTAL
(PLEASE PRINT OR TYPE)**

AGENCY: FLORIDA PUBLIC SERVICE COMMISSION DATE: APRIL 6, 2010 PAGE 1 OF 1
CONTACT: KAREN BELCHER, DIRECTOR, FISCAL SERVICES
PHONE NUMBER: 850-413-6273

FLAIR ACCOUNT CODE: FLAIR ACCOUNT CODES: 61 50 2 573003 610100 00 000100
61 74 1 000331 610100 00 001200

1. Docket No. 060332-WS LOCH HARBOUR UTILITIES, INC.
Agency Reference # Last Name First M Social Security # DFS use only
P.O. BOX 3718, OCALA, FL 34478-3718
Last Known Address (Include Zip)
352-620-8005 \$409.26 \$102.31 / \$196.44 \$708.02
Home Telephone Work Phone Principal Amount Penalty/Interest Amount Total
§367.145 F.S., §350.113(3)(4)F.S., and Rule 25-30.120(7)(a) F.A.C. 8
Penalty/Interest Authority Date Debt Incurred Debt Type
REGULATORY ASSESSMENT FEES, PENALTIES, INTEREST AND ANNUAL REPORT FINES FOR FAILURE TO PAY

Debt Description, e.g., Drivers License, Property Damage

Additional Information, e.g., Date of Birth, Drivers License Number, etc

2. Agency Reference # Last Name First M Social Security # DFS use only
Last Known Address (Include Zip)
Home Telephone Work Phone Principal Amount Penalty/Interest Amount Total
Penalty/Interest Authority Date Debt Incurred Debt Type

Debt Description, e.g., Drivers License, Property Damage

Additional Information, e.g., Date of Birth, Drivers License Number, etc

3. Agency Reference # Last Name First M Social Security # DFS use only
Last Known Address (Include Zip)
Home Telephone Work Phone Principal Amount Penalty/Interest Amount Total
Penalty/Interest Authority Date Debt Incurred Debt Type

Debt Description, e.g., Drivers License, Property Damage

Additional Information, e.g., Date of Birth, Drivers License Number, etc

****DEBIT TYPE CODE****

1. RETURNED CHECK 2. NONPAYMENT FOR STATE GOODS/SERVICES 3. DAMAGE TO STATE PROPERTY
7. COURT ORDER 8. FINES 9. OVERPAYMENT OF STATE FUNDS

GENERAL INSTRUCTIONS

Provide as much information as possible for each account or returned check listed. Names should include legal entities as well as individuals. Principal Amount is the original amount of the debt excluding any service charge, penalty, and/or interest. Penalty/Interest Amount is the amount of the service charge, penalty, and/or interest due to date on the delinquent account or returned check. For those accounts subject to interest charges, please indicate the interest rate, method of calculation, and whether the rate is subject to change. Penalty/Interest Authority is the Florida Statutory and/or Florida Administrative Code citation authorizing the service charge, penalty, and/or interest on delinquent accounts and returned checks. Date Incurred is the date the account became delinquent; e.g., the date a check was returned marked NSF, the date an invoice was due to be paid, etc. Debt Type must be indicated using the codes listed at the bottom of the form.

In order to properly pursue a delinquent account the Bureau of Accounting and the collection agency, if used, require pertinent information about the debt and debtor. Such information regarding the debt should be provided in the area titled Debt Description and include the purpose of the original payment by check; type of goods/services provided; what, when, and where State property was damaged; when, why and what court ordered a payment; when and why a fine was issued; for what and when were State funds overpaid; etc. Additional information about the debtor should include, if available, date of birth, driver license number, credit card type and number, names and addresses of relatives, and any other information that may be used to locate the debtor. The more the Bureau and the collection agency know about the debt and debtor the more likely the recovery of the debt.

To facilitate the transfer of moneys collected, each agency shall designate one FLAIR revenue account code to which all moneys will be transferred by the journal transfer. Agencies will be provided a detailed listing of amounts collected and collection fees charged for each amount. The Department will also provide instructions in accordance with Generally Accepted Accounting Principles on the appropriate method of recording the difference between any moneys collected and the amount of the delinquent account; i.e., treat the difference as cost of collection or provide approval for adjusting the balance of the account pursuant to Section 17.04, Florida Statutes.

Forms and Questions should be addressed to:

Department of Financial Services
Bureau of Accounting
Room 414 Fletcher Building
200 East Gaines Street
Tallahassee, Florida 32399-0354
(850) 410-9365 / SC 210-9365