

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

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

**DATE:** May 6, 2010

**TO:** Office of Commission Clerk (Cole)

**FROM:** Division of Economic Regulation (Linn, Fletcher, Maurey) *ALM*  
Office of the General Counsel (Williams) *CRBB* *AS*  
*ARW JSB*

**RE:** Docket No. 100170-WS – Application for authority to collect non-sufficient funds charges, pursuant to Sections 68.065 and 832.08(5), F.S., by Pluris Wedgefield, Inc.

**AGENDA:** 05/18/10 – Regular Agenda – Tariff Filing – Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** *All Commissioners - ac*

**PREHEARING OFFICER:** Administrative

**CRITICAL DATES:** 06/01/10 (60-Day Suspension Date)

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\GCL\WP\100170.RCM.DOC

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### Case Background

Pluris Wedgefield, Inc. (Pluris or utility) is a Class A water and wastewater utility serving approximately 1,670 water and 1,584 wastewater customers in Orange County. The utility is located in the St. Johns River Water Management District (SJRWMD) and is in a priority water resource caution area. The utility's annual report for 2008 shows the utility's gross operating revenue is \$680,211 and \$741,450 and net operating income is \$45,336 and \$70,385 for water

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and wastewater, respectively. On September 8, 2009, Pluris was transferred from Wedgefield Utilities, Inc. to Pluris Wedgefield, LLC.<sup>1</sup>

This recommendation addresses the authority to collect non-sufficient funds charges (NSF charges) pursuant to Sections 68.065 and 832.08(5), Florida Statutes (F.S.). The Commission has jurisdiction to consider this matter pursuant to Section 367.091, F.S.

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<sup>1</sup> See Order No. PSC-09-0610-FOF-WS, issued September 8, 2009, in Docket No. 090232-WS, In re: Joint application for authority to transfer assets and Certificate Nos. 404-W and 341-S in Orange County from Wedgefield Utilities, Inc. to Pluris Wedgefield, LLC.

### **Discussion of Issues**

**Issue 1:** Should the Utility's request for approval of a Non-Sufficient Funds fee be granted?

**Recommendation:** Yes. The Utility's requested Non-Sufficient Funds (NSF) fee should be approved. The NSF fee should be effective on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475(1), Florida Administrative Code (F.A.C.). (Linn, Williams)

**Staff Analysis:** Section 367.091, F.S., requires that rates, charges, and customer service policies be approved by the Commission. The Commission has authority to establish, increase, or change a rate or charge. Pluris has requested an NSF fee in accordance with Sections 68.065 and 832.08(5), F.S.

Staff believes that Pluris should be authorized to collect an NSF fee. Staff believes the NSF fee should be established consistent with Section 68.065, F.S., which allows for the assessment of charges for the collection of worthless checks, drafts, or orders of payment. As currently set forth in Section 832.08(5), the following fees may be assessed:

- 1.) \$25, if the face value does not exceed \$50,
- 2.) \$30, if the face value exceeds \$50 but does not exceed \$300,
- 3.) \$40, if the face value exceeds \$300,
- 4.) or five percent of the face amount of the check, whichever is greater.

Staff recommends that Pluris' tariff for an NSF fee be revised to reflect the charges set by Sections 68.065 and 832.08(5) F.S., as may be amended.

Approval of an NSF fee is consistent with prior Commission decisions.<sup>2</sup> Furthermore, an NSF fee places the cost on the cost-causer, rather than requiring that the costs associated with the return of the non-sufficient-funds checks be spread across the general body of ratepayers. As such, staff recommends that Pluris's proposed NSF fee should be approved. The fee should be effective on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475(1), F.A.C. In addition, the rates should not be implemented until staff has approved the proposed customer notice. The Utility should provide proof of the date the notice was given no less than 10 days after the date of the notice.

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<sup>2</sup> See Order Nos. PSC-10-0168-PAA-SU, issued March 23, 2010, in Docket No. 090182-SU, In re: Application for increase in wastewater rates in Pasco County by Ni Florida, LLC; and PSC-94-0036-FOF-TL, issued January 11, 1994, in Docket No. 930901-TL, In re: Request for approval of tariff filing to increase service connection charges and establish a non-sufficient funds check charge by Vista-United Telecommunications.

**Issue 2:** Should this docket be closed?

**Recommendation:** No. If a protest is filed by a substantially affected person within 21 days of issuance of the order, the tariffs should remain in effect, with any revenues held subject to refund, pending resolution of the protest. If no timely protest is filed, this docket will become final upon the issuance of a consummating order. However, this docket should remain open to allow staff to verify that the revised tariff sheets and customer notice have been filed by the Utility and approved by staff. Once staff has verified that the revised tariff sheets and customer notice have been filed by the Utility and approved, the docket should be closed administratively. (Williams)

**Staff Analysis:** If a protest is filed by a substantially affected person within 21 days of issuance of the order, the tariffs should remain in effect, with any revenues held subject to refund, pending resolution of the protest. If no timely protest is filed, this docket will become final upon the issuance of a consummating order. However, this docket should remain open to allow staff to verify that the revised tariff sheets and customer notice have been filed by the Utility and approved by staff. Once staff has verified that the revised tariff sheets and customer notice have been filed by the Utility and approved, the docket should be closed administratively.