

Marguerite McLean

100149-WU

From: Trina Collins [TCollins@RSBattorneys.com]
Sent: Tuesday, August 24, 2010 4:43 PM
To: Filings@psc.state.fl.us
Cc: ewallace@niamerica.com; BWilkinson@niamerica.com; donald.clayton@tangibl.com; Jared Deason; Martin Friedman; Christian W. Marcelli; Trina Collins
Subject: Filing in Docket No. 100149-WU; Ni Florida, LLC Tamiami - Application for an Increase in Water Rates in Lee County, Florida
Importance: High
Attachments: PSC Clerk 05 (NSF and Late Fees) ltr.pdf

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- b. Docket No. 100149-WU; Ni Florida, LLC Tamiami - Application for an Increase in Water Rates in Lee County, Florida - Filing the Utility's request for the Commission's approval of tariff sheets granting the Utility authority to collect a \$5.00 late payment fee and non-sufficient funds (NSF) check fees in accordance with Section 68.065, Florida Statutes and Section 832.08(5), Florida Statutes.
- c. Ni Florida, LLC Tamiami
- d. 6 Pages.
- e. Letter to Commission Clerk - 3 pages; and Revised Tariff Sheets - 3 pages.

DOCUMENT NUMBER-DATE

07045 AUG 24 09

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8/24/2010

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Please Respond to the Longwood Office

August 24, 2010

E-FILING

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Ann Cole, Commission Clerk
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Re: Docket No. 100149-WU; Ni Florida, LLC Tamiami
Application for an Increase in Water Rates in Lee County, Florida
Our File No.: 43053.04

Dear Ms. Cole:

Ni Florida, LLC (the "Utility") requests approval of the attached tariff sheets as part of the above-referenced docket. The Utility requests the Commission approve tariffs granting the Utility authority to collect a \$5.00 late payment fee. In addition, the Utility requests approval of tariffs authorizing the Utility to collect non-sufficient funds (NSF) check fees, which will be collected in accordance with Section 68.065, Florida Statutes, and Section 832.08(5), Florida Statutes. Attached hereto are originals and two copies of the proposed tariffs for the above-noted requests.

LATE PAYMENT FEE

The Utility's requests late fee charges of \$5.00, in accordance with the attached proposed water tariff sheet, based on the following cost estimate:

\$4.50	Office personnel time to search accounts to determine that the bill has not been paid; Prepare, print and sort notices for mailing and transport to Post Office (1/5 of an hour @ \$22.50/hr.).
\$0.44	Postage (proposed to be raised to \$0.46 in January 2011).
<u>\$0.05</u>	Envelope and supplies
\$4.99	

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The Commission has approved similar late fees, stating in PSC Order No. PSC-06-0331-PAA-WS that:

The purpose of a late payment charge is not only to provide an incentive for customers to make timely payments, thereby reducing the number of delinquent accounts, but also to place the cost burden of processing such delinquencies solely upon those who are the cost causers.

As such, the Utility requests authority to collect such late fees because they are cost-based, provide an incentive to make timely payments and place the cost burden of late payments on the cost causers.

NON-SUFFICIENT FUNDS (NSF) CHECK FEES

The Utility also requests that the Commission approve tariffs authorizing the Utility to collect NSF check charges pursuant to Chapter 832, Florida Statutes. Authorization to collect such charges will not require a revision to the MFRs filed in the above-referenced docket. Attached hereto are the proposed tariffs authorizing the collection of NSF charges.

Approval of an NSF fee is consistent with prior decisions of the Commission.¹ The NSF fee proposed by the Utility is 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:

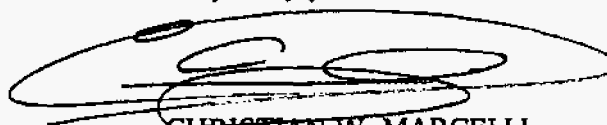
- \$25, if the face value does not exceed \$50,
- \$30, if the face value exceeds \$50 but does not exceed \$300,
- \$40, if the face value exceeds \$300,
- or five percent of the face amount of the check, whichever is greater.

¹ See Order Nos. PSC-08-0831-PAA-WS, issued December 23, 2008, in Docket No. 070680-WS, In re: Application for staff-assisted rate case in Pasco County by Orangewood Lakes Services, Inc.; and PSC-97-0531-FOF-WU, issued May 9, 1997, in Docket No. 960444-WU, In re: Application for rate increase and for increase in service availability charges in Lake County by Lake Utility Services, Inc., at p.20.

Ann Cole, Commission Clerk
Office of Commission Clerk
Florida Public Service Commission
August 24, 2010
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Should you or members of the Staff have any questions regarding this filing, please do not hesitate to give me a call.

Very truly yours,



CHRISTIAN W. MARCELLI
For the Firm

CWM

cc: Ed Wallace, President (w/enclosures) (via e-mail)
Mr. Benny Wilkinson (w/enclosures) (via e-mail)
Mr. Donald Clayton (w/enclosures) (via e-mail)
Jared Deason, Division of Economic Regulation (w/enclosures) (via e-mail)

M:\1 ALTAMONTE\1 ALTAMONTE\1 FLORIDA, LLC (43053)\(.04) 12-31-09 TY Rate Case (Lee County)\PSC Clerk 05 (NSF and Late Fees) ltr.docx

MISCELLANEOUS SERVICE CHARGES

The Company may charge the following miscellaneous service charges in accordance with the terms also stated herein.

INITIAL CONNECTION - This charge would be levied for service initiation at a location where service did not exist previously.

NORMAL RECONNECTION - This charge would be levied for transfer of service to a new customer account at a previously served location or reconnection of service subsequent to a customer requested disconnection.

VIOLATION RECONNECTION - This charge would be levied prior to reconnection of an existing customer after disconnection of service for cause according to Rule 25-30.320(2), Florida Administrative Code, including a delinquency in bill payment.

PREMISES VISIT - This charge would be levied when a service representative visits a premises for the purpose of discontinuing service for nonpayment of a due and collectible bill and does not discontinue service because the customer pays the service representative or otherwise makes satisfactory arrangements to pay the bill. This charge will also be levied when a service representative visits a premises at a customer's request for complaint resolution or for other purposes and the problem is found to be the customer's responsibility.

LATE FEE - This charge would be levied when a customer's billing account is not paid within 20 days and is therefore delinquent.

Schedule of Miscellaneous Service Charges

	<u>Business Hours</u>	<u>After Hours</u>
Initial Connection Fee	\$ <u>27.00</u>	\$ <u>40.00</u>
Normal Reconnection Fee	\$ <u>27.00</u>	\$ <u>40.00</u>
Violation Reconnection Fee	Actual Cost ¹	Actual Cost ¹
Premises Visit Fee	\$ <u>18.00</u>	\$ <u>27.00</u>
Late Fee	\$ <u>5.00</u>	\$ <u>5.00</u>

¹Actual cost equals the total cost incurred for services

EFFECTIVE DATE: _____

TYPE OF FILING: 2010 Rate Case

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(Continued from Sheet No. 11.0)

24.0 ADJUSTMENT OF BILLS FOR METER ERROR – When meter tests are made by the Commission or by the Company, the accuracy of registration of the meter and its performance shall conform to Rule 25-30.262, Florida Administrative Code and any adjustment of a bill due to a meter found to be in error as a result of any meter test performed whether for unauthorized use or for a meter found to be fast, slow, non-registering, or partially registering, shall conform with Rule 25-30.340, Florida Administrative Code.

25.0 METER ACCURACY REQUIREMENTS – All meters used for measuring quantity of water delivered to a Customer shall be in good mechanical condition and they shall be adequate in size and design for the type of service which they measure. Before being installed for the rendering of water service to a Customer, every water meter, whether new, repaired, or removed from service for any cause, shall be adjusted to register within prescribed accuracy limits as set forth in Rule 25-30.262, Florida Administrative Code.

26.0 FILING OF CONTRACTS - Whenever a Developer Agreement or Contract, Guaranteed Revenue Contract, or Special Contract or Agreement is entered into by the Company for the sale of its product or services in a manner not specifically covered by its Rules and Regulations or approved Rate Schedules, a copy of such contracts or agreements shall be filed with the Commission prior to its execution in accordance with Rule 25-9.034 and Rule 25-30.550, Florida Administrative Code. If such contracts or agreements are approved by the Commission, a conformed copy shall be placed on file with the Commission-within 30 days of execution.

27.0 NSF CHECK CHARGE - This charge may be levied pursuant to Section 68.065 and Section 832.08(5), Florida Statutes, when a customer pays by check and that check is dishonored by the customer's banking institution. The Company will charge the amount set by Section 68.065 and Section 832.08(5), Florida Statutes, as may be amended.

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(Continued on Sheet No. 6.1)

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