

**Marguerite McLean**

100149-WU

**From:** Trina Collins [TCollins@RSBattorneys.com]  
**Sent:** Thursday, February 10, 2011 4:58 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** ewallace@niamerica.com; BWilkinson@niamerica.com; donald.clayton@tangibl.com; Kaley Thompson; Martin Friedman; Christian W. Marcelli; Trina Collins; Jared Deason; Reilly.steve@leg.state.fl.us; Ralph Jaeger  
**Subject:** Filing in Docket No. 100149-WU; Ni Florida, LLC - Tamiami's Application for an Increase in Water Rates in Lee County, Florida  
**Importance:** High  
**Attachments:** PSC Clerk 17 (Filing Response to Staff's 8th Data Request).ltr.pdf

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[cmarcelli@rsbattorneys.com](mailto:cmarcelli@rsbattorneys.com)
- b. Docket No. 100149-WU; Ni Florida, LLC - Tamiami's Application for an Increase in Water Rates in Lee County, Florida - Filing the Utility's response to Staff's eighth data request dated January 27, 2011.
- c. Ni Florida, LLC - Tamiami
- d. 26 Pages.
- e. Letter to Commission Clerk and attachments - 26 pages.

2/10/2011

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Please Respond to the Lake Mary Office

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February 10, 2011

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

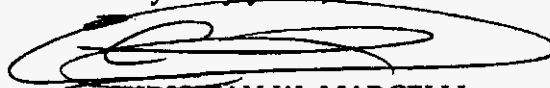
Re: Docket No. 100149-WU; Ni Florida, LLC - Tamiami  
Application for an Increase in Water Rates in Lee County, Florida  
Our File No.: 43053.04

Dear Ms. Cole:

Enclosed for filing in the above-referenced docket is the response of Ni Florida, LLC to Staff's eighth data request dated January 27, 2011.

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/der

cc: Ed Wallace, President (w/enclosure) (via e-mail)  
Mr. Benny Wilkinson (w/enclosure) (via e-mail)  
Mr. Donald Clayton (w/enclosure) (via e-mail)  
Jared Deason, Division of Economic Regulation (w/enclosure) (via e-mail)  
Ralph Jaeger, Esquire, Office of the General Counsel (w/enclosure) (via e-mail)  
Stephen Reilly, Esquire, Office of Public Counsel (w/enclosure) (via e-mail)

M:\1 ALTAMONTE\NI FLORIDA, LLC (43053)\(04) 12-31-09 TY Rate Case (Lee County)\PSC Clerk 17 (Filing Response to Staff's 8th Data Request).ltr.doc

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950 PENINSULA CORPORATE CIRCLE, SUITE 2020, BOCA RATON, FLORIDA 33487 (561) 982-7114 FAX (561) 982-7116

**Question 1:** Please provide all available documentation to support the change in the percentage of total corporate overhead allocable to utilities (allocation factor) from the 47.09 percent included in the Utility's filing in Docket No. 100149-WU to the 89.22 percent included in the schedule counsel for NI Florida handed out at the January 25, 2011 Commission Conference.

**Response:** The assigned % of time each employee spends on utility matters is an estimate determined after careful analysis of the duties and responsibilities performed by each employee and not based on a time study. The estimate is reviewed annually, or as necessary, by taking into account new utilities added and changes in the level of support needed by them. The 47.09% was calculated by accumulating each employee's payroll times the estimated % of time spent on utility matters divided by the total payroll for all employees. The 89.22% was calculated the same way, by accumulating each employee's payroll times the estimated % of time spent on utility matters divided by the total payroll for all employees. The reason for the change was the acquisition of Palmetto Utilities, Inc. in South Carolina, which caused the NI America corporate staff to focus on utility matters more so than in previous periods, and such focus is expected to continue in the foreseeable future. The Palmetto acquisition added over 15,000 ERCs, whereas prior to this acquisition Ni America had less than 5,000 ERCs. Both calculations are shown on the attachments. The duties and responsibilities for each employee are shown in response to Question 4 below.

Prepared by: Benny Wilkinson  
Reviewed by: Mark Daday

**Ni America Operating, LLC**  
**Salaries**  
**For the Year 2009**

<u>Employee</u>	<u>Total</u>	<u>% to Utilities</u>	<u>Allocated to Utilities</u>
Anthony Wisecup	11,104.16	25.00%	2,776.04
Benny Wilkinson	100,000.08	50.00%	50,000.04
Bruce Connolly	15,833.32	100.00%	15,833.32
Carey Thomas	100,000.08	100.00%	100,000.08
Cory Pendleton	47,708.29	25.00%	11,927.07
Craig Sherwood	40,130.70	50.00%	20,065.35
David Lombardi	33,717.92	25.00%	8,429.48
Edward Wallace	184,500.00	50.00%	92,250.00
Fred Melcher	22,689.38	100.00%	22,689.38
Jacob Stone	7,250.00	25.00%	1,812.50
Kurt Evans	7,687.52	50.00%	3,843.76
Mark Myers	131,354.20	25.00%	32,838.55
Mike Ashfield	133,249.92	25.00%	33,312.48
Mike Miller	28,549.68	25.00%	7,137.42
Nathan Johnson	76,875.12	25.00%	19,218.78
Pete Moerbeek	114,187.42	75.00%	85,640.57
Bob Haas	7,687.50	50.00%	3,843.75
Vicki Spitznagle	20,416.69	100.00%	20,416.69
Andy Thomas	100,000.08	25.00%	25,000.02
<b>TOTAL</b>	<u><u>1,182,942.06</u></u>	<u>47.09%</u>	<u><u>557,035.28</u></u>

**Ni America Operating, LLC**  
**Salaries**  
**For Year to Date September 2010**

<u>Employee</u>	<u>Total</u>	<u>% to Utilities</u>	<u>Allocated to Utilities</u>
Benny Wilkinson	77,250.06	90.00%	69,525.05
Lauren A. Burgess	17,099.29	75.00%	12,824.47
Carey Thomas	77,250.06	100.00%	77,250.06
Cory Pendleton	41,458.30	100.00%	41,458.30
Craig Sherwood	7,830.00	100.00%	7,830.00
Donna Tuttle	39,802.37	100.00%	39,802.37
Edward Wallace	142,526.34	90.00%	128,273.71
Fred Melcher	27,956.72	100.00%	27,956.72
Deanna Jones	18,750.06	100.00%	18,750.06
Stan Jones	130,833.38	100.00%	130,833.38
Mark Daday	7,980.88	100.00%	7,980.88
Mark Myers	75,000.06	25.00%	18,750.02
Mike Ashfield	102,935.52	100.00%	102,935.52
Nathan Johnson	59,385.96	75.00%	44,539.47
Andy Thomas	77,250.06	100.00%	77,250.06
<b>TOTAL</b>	<u><u>903,309.06</u></u>	<b>89.22%</b>	<u><u>805,960.06</u></u>

Ni Florida, LLC – Tamiami  
Docket No. 100149-WU

Staff's Eighth Data Request  
Question 2

Question 2: Please provide an Itemized list of each component, and its associated dollar amount, that comprises the actual total corporate overhead, by month, for the year ended December 31, 2010.

Response: See attached.

Prepared by: Benny Wilkinson  
Reviewed by: Mark Daday

Ni America Operating, LLC and Ni America Capital Management, LLC  
Overhead Allocation for 2010

	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Total
<b>Ni America Operating, LLC</b>													
<b>Operation and Maintenance</b>													
601 Salaries-Employees	\$16,528	\$19,794	\$22,290	\$23,769	\$23,761	\$28,270	\$29,611	\$29,458	\$31,337	\$32,635	\$32,900	\$32,905	\$ 323,258
603 Salaries-Officers & Directors	83,396	80,748	77,770	80,634	80,634	80,634	80,383	79,652	88,357	92,646	92,399	14,780	932,033
604 Employees Pensions and Benefits	13,289	13,693	14,140	14,064	14,340	14,138	14,240	19,010	19,970	20,838	21,673	20,601	199,995
620 Repairs & Maintenance	1,046	1,046	1,320	1,611	1,067	939	1,046	1,042	918	939	1,050	939	12,966
632 Contract Services-Accounting/Tax	-	788	25,000	(1,251)	-	(25,000)	2,404	-	-	-	-	-	1,941
633 Contract Services-Legal	11,465	2,508	9,469	(11,987)	5,794	(8,667)	4,506	3,866	5,333	2,184	1,401	810	26,680
635 Contract Services-Development	-	-	85,000	-	-	(85,000)	-	-	-	-	-	-	-
636.1 Contract Services-Computer Svcs	4,480	-	2,240	2,430	2,240	2,240	2,240	4,140	2,447	2,447	2,447	2,447	29,798
636.2 Contract Services-Other	-	-	-	557	1,794	4,508	3,832	4,821	3,772	794	3,840	25,325	49,243
641/642 Rent Expense	2,820	2,820	3,957	2,820	2,820	2,820	2,843	2,843	4,237	4,124	4,359	4,381	40,845
650 Travel Expense	5,429	7,696	4,552	(13,053)	13,657	6,345	12,127	7,870	3,423	20,476	15,618	13,396	97,536
657 General Liability	64	598	64	62	62	1,237	1,237	1,237	1,197	1,237	1,197	1,237	9,428
658 Workman's Compensation	506	88	97	94	97	94	422	445	415	445	430	(1,858)	1,277
659 Crime	250	250	250	250	250	250	250	250	250	250	250	250	3,000
660 Advertising & Promotion	-	-	-	-	2,355	902	760	-	-	1,125	-	-	5,143
661 Bank Fees	401	250	333	251	321	157	394	257	391	283	290	426	3,753
667 Regulatory Commission Expenses	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Operation and Maintenance</b>	<b>\$139,674</b>	<b>\$130,279</b>	<b>\$246,481</b>	<b>\$100,252</b>	<b>\$149,192</b>	<b>\$23,868</b>	<b>\$156,296</b>	<b>\$154,891</b>	<b>\$162,046</b>	<b>\$180,422</b>	<b>\$177,855</b>	<b>\$115,639</b>	<b>\$ 1,736,895</b>
<b>Miscellaneous</b>													
675.1 Telephone	\$4,251	\$3,201	\$4,598	\$4,473	\$3,871	\$2,722	\$3,665	\$4,391	\$4,512	\$4,673	\$4,559	\$4,612	\$ 49,528
675.2 Utilities	1,537	382	93	2,935	1,172	1,739	1,898	2,031	1,697	1,011	786	917	16,198
675.3 Meals & Entertainment	692	3,116	9,290	603	4,143	641	202	549	2,337	5,524	5,541	6,328	38,967
675.4 Dues/Subscriptions/Prof Orgs	-	445	600	215	880	406	-	1,295	310	1,457	(35)	(190)	5,383
675.5 Computer/Internet Expenses	325	395	826	954	1,522	79	74	585	1,043	74	333	783	6,991
675.6 Utility Associations	-	-	-	-	-	-	-	-	-	-	-	-	400
675.7 Office Supplies	1,071	330	914	2,093	489	277	410	2,045	695	1,442	823	1,614	12,203
675.8 Postage/Freight/Overnight	290	204	612	88	169	479	179	509	95	201	485	298	3,608
675.9 Other Expenses	16	-	124	-	281	43	-	430	178	-	465	3,101	4,638
675.10 Education & Seminars	-	-	1,305	-	-	-	-	-	640	2,928	100	1,210	6,183
<b>Total Miscellaneous</b>	<b>\$8,182</b>	<b>\$8,073</b>	<b>\$18,362</b>	<b>\$11,362</b>	<b>\$12,528</b>	<b>\$6,385</b>	<b>\$6,427</b>	<b>\$11,834</b>	<b>\$11,508</b>	<b>\$17,310</b>	<b>\$13,055</b>	<b>\$19,073</b>	<b>\$ 144,098</b>
<b>Other</b>													
680.1 Travel	\$4,262	\$2,854	\$606	(\$368)	\$6,874	\$2,229	\$792	\$9,031	\$12,726	-	\$1,800	\$1,163	\$ 41,967
680.2 Legal	13,233	1,927	10,400	(9,802)	2,486	315	10,333	10,581	12,752	7,419	7,041	5,069	71,754
680.3 Outside Accounting	12,079	-	13,000	(25,079)	1,208	-	33	-	2,600	-	-	-	3,840
680.4 Outside	-	-	-	-	-	-	2,500	750	725	-	6,678	-	10,652
680.5 Engineering	6,713	-	3,558	4,872	49,433	93,588	35,003	28,890	23,440	-	135	5,325	250,956
<b>Total Other</b>	<b>\$36,286</b>	<b>\$4,780</b>	<b>\$27,563</b>	<b>(\$30,378)</b>	<b>\$60,001</b>	<b>\$96,131</b>	<b>\$48,660</b>	<b>\$49,252</b>	<b>\$52,243</b>	<b>\$7,419</b>	<b>\$15,653</b>	<b>\$11,557</b>	<b>\$379,169</b>
<b>Total O&amp;M</b>	<b>\$184,141</b>	<b>\$143,132</b>	<b>\$292,407</b>	<b>\$81,236</b>	<b>\$221,721</b>	<b>\$126,384</b>	<b>\$211,383</b>	<b>\$215,978</b>	<b>\$225,796</b>	<b>\$205,151</b>	<b>\$206,564</b>	<b>\$146,270</b>	<b>\$2,260,163</b>
<b>Ni America Capital Management, LLC</b>													
<b>Corporate Governance</b>													
	\$15,148	\$14,941	\$97,382	\$42,794	\$115,115	\$41,350	\$46,804	\$53,308	\$55,052	\$50,642	\$75,534	\$225,405	833,476
<b>Total Allocable O&amp;M Before Exclusions</b>	<b>\$199,289</b>	<b>\$158,073</b>	<b>\$389,789</b>	<b>\$124,030</b>	<b>\$336,836</b>	<b>\$167,734</b>	<b>\$258,187</b>	<b>\$269,286</b>	<b>\$280,848</b>	<b>\$255,793</b>	<b>\$282,098</b>	<b>\$371,675</b>	<b>\$ 3,093,638</b>
<b>Less: Excluded Overhead</b>	<b>\$0</b>	<b>(\$2,826)</b>	<b>(\$8,600)</b>	<b>(\$2,163)</b>	<b>(\$4,240)</b>	<b>(\$902)</b>	<b>\$0</b>	<b>(\$1,474)</b>	<b>(\$413)</b>	<b>(\$6,881)</b>	<b>(\$3,765)</b>	<b>(\$8,093)</b>	<b>\$ (39,356.95)</b>
<b>Total Allocable O&amp;M After Exclusions</b>	<b>\$199,289</b>	<b>\$155,247</b>	<b>\$381,189</b>	<b>\$121,866</b>	<b>\$332,596</b>	<b>\$166,832</b>	<b>\$258,187</b>	<b>\$267,812</b>	<b>\$280,435</b>	<b>\$248,911</b>	<b>\$278,333</b>	<b>\$363,583</b>	<b>\$ 3,054,281</b>
<b>Percentage of Allocable Payroll</b>	89.22%	89.22%	89.22%	89.22%	89.22%	89.22%	89.22%	89.22%	89.22%	89.22%	89.22%	89.22%	
<b>Total Allocable to Utilities</b>	<b>\$177,806</b>	<b>\$138,511</b>	<b>\$340,097</b>	<b>\$108,729</b>	<b>\$296,742</b>	<b>\$148,847</b>	<b>\$230,354</b>	<b>\$238,942</b>	<b>\$250,204</b>	<b>\$222,079</b>	<b>\$248,329</b>	<b>\$324,388</b>	<b>\$ 2,725,030</b>
<b>ERCs</b>													
Shaded Lane	200	198	200	197	196	196	197	195	196	197	195	196	
Hudson	2,992	2,992	2,994	2,995	2,995	2,991	2,984	2,989	2,983	2,981	2,984	2,983	
Tamiami	769	743	742	742	744	744	741	776	775	784	784	784	
Brighton	724	720	722	729	729	725	742	736	736	734	726	725	
Palmetto	15,399	15,463	15,517	15,566	15,662	15,685	15,735	15,736	15,755	15,799	16,001	16,044	
<b>Total</b>	<b>20,084</b>	<b>20,116</b>	<b>20,175</b>	<b>20,229</b>	<b>20,326</b>	<b>20,341</b>	<b>20,399</b>	<b>20,432</b>	<b>20,445</b>	<b>20,495</b>	<b>20,690</b>	<b>20,732</b>	
<b>Allocated Overhead</b>													
Shaded Lane	\$ 1,771	\$ 1,363	\$ 3,371	\$ 1,059	\$ 2,861	\$ 1,434	\$ 2,225	\$ 2,280	\$ 2,399	\$ 2,135	\$ 2,340	\$ 3,067	\$ 26,306
Hudson	26,489	20,602	50,471	16,098	43,724	21,887	33,697	34,955	36,506	32,301	35,815	46,674	399,218
Tamiami	6,808	5,116	12,508	3,988	10,862	5,444	8,368	9,075	9,484	8,495	9,410	12,267	101,826
Brighton	6,410	4,958	12,171	3,918	10,643	5,305	8,379	8,607	9,007	7,953	8,714	11,344	97,409
Palmetto	136,329	106,473	261,575	83,666	228,652	114,777	177,686	184,025	192,808	171,194	192,050	251,036	2,100,271
<b>Total</b>	<b>\$ 177,806</b>	<b>\$ 138,511</b>	<b>\$ 340,097</b>	<b>\$ 108,729</b>	<b>\$ 296,742</b>	<b>\$ 148,847</b>	<b>\$ 230,354</b>	<b>\$ 238,942</b>	<b>\$ 250,204</b>	<b>\$ 222,079</b>	<b>\$ 248,329</b>	<b>\$ 324,388</b>	<b>\$ 2,725,030</b>

	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Total
<b>Tamiami Allocated Overhead by Account</b>													
<b>Ni America Operating, LLC</b>													
<b>Operation and Maintenance</b>													
601 Salaries-Employees	\$565	\$652	\$731	\$778	\$776	\$923	\$960	\$998	\$1,060	\$1,114	\$1,112	\$1,110	\$ 10,779
603 Salaries-Officers & Directors	2,849	2,661	2,552	2,639	2,633	2,631	2,605	2,699	2,988	3,162	3,124	499	31,042
604 Employees Pensions and Benefits	454	451	464	460	468	461	461	644	675	711	733	695	6,679
620 Repairs & Maintenance	36	34	43	53	35	31	34	35	31	32	36	32	431
632 Contract Services-Accounting/Tax	-	26	820	(41)	-	(816)	78	-	-	-	-	-	67
633 Contract Services-Legal	392	83	311	(392)	189	(283)	146	131	180	75	47	27	906
634 Contract Services-Regulatory	-	-	2,789	-	-	(2,774)	-	-	-	-	-	-	15
636.1 Contract Services-Computer Svcs	153	-	74	80	73	73	73	140	83	84	83	83	997
636.2 Contract Services-Other	-	-	-	18	59	147	124	163	128	27	130	854	1,650
641/642 Rent Expense	96	93	130	92	92	92	92	96	143	141	147	148	1,363
650 Travel Expense	185	254	149	(427)	446	207	393	267	116	699	528	452	3,269
657 General Liability	2	20	2	2	2	40	40	42	40	42	40	42	315
658 Workman's Compensation	17	3	3	3	3	3	14	15	14	15	15	(63)	43
659 Crime	9	8	8	8	8	8	8	8	8	9	8	8	100
660 Advertising & Promotion	-	-	-	-	-	-	25	-	-	-	-	-	25
661 Bank Fees	14	8	11	8	10	5	13	9	13	10	10	14	125
667 Regulatory Commission Expenses	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Operation and Maintenance	\$4,771	\$4,293	\$8,088	\$3,281	\$4,795	\$749	\$5,065	\$5,249	\$5,480	\$6,119	\$6,013	\$3,902	57,806
<b>Miscellaneous</b>													
675.1 Telephone	\$145	\$106	\$151	\$146	\$126	\$89	\$119	\$149	\$153	\$159	\$154	\$156	\$ 1,653
675.2 Utilities	53	13	3	96	38	57	62	69	57	35	27	31	539
675.3 Meals & Entertainment	24	20	42	20	92	21	7	19	79	25	64	57	468
675.4 Dues/Subsription/Prof Orgs	-	4	-	7	16	13	-	-	(2)	17	(5)	(6)	44
675.5 Computer/Internet Expenses	11	13	27	31	50	3	2	20	35	3	11	26	232
675.6 Utility Associations	-	-	-	-	-	-	-	-	-	-	-	-	-
675.7 Office Supplies	37	11	30	68	16	9	13	69	24	49	28	54	409
675.8 Postage/Freight/Overnight	10	7	20	3	6	16	6	17	3	7	16	10	120
675.9 Other Expenses	1	-	4	-	4	1	-	9	5	-	16	2	40
675.1 Education & Seminars	-	-	43	-	-	-	-	-	22	100	3	41	209
Total Miscellaneous	\$279	\$173	\$320	\$372	\$348	\$208	\$208	\$351	\$375	\$394	\$314	\$370	3,714
<b>Other</b>													
680.1 Travel	\$146	\$94	\$20	(\$12)	\$224	\$73	\$26	\$306	\$430	-	\$61	\$39	\$ 1,407
680.2 Legal	452	63	341	(321)	81	10	335	359	431	253	238	171	2,415
680.3 Outside Accounting	413	-	427	(821)	39	-	1	-	88	-	-	-	147
680.4 Outside	-	-	-	-	-	-	81	25	25	-	226	-	357
680.5 Engineering	229	-	117	159	1,614	3,054	1,134	979	793	-	5	180	8,264
Total Other	\$1,240	\$158	\$904	(\$994)	\$1,959	\$3,137	\$1,577	\$1,669	\$1,767	\$253	\$529	\$390	\$12,589
<b>Total O&amp;M</b>	<b>\$6,291</b>	<b>\$4,624</b>	<b>\$9,313</b>	<b>\$2,659</b>	<b>\$7,102</b>	<b>\$4,095</b>	<b>\$6,851</b>	<b>\$7,269</b>	<b>\$7,623</b>	<b>\$6,767</b>	<b>\$6,856</b>	<b>\$4,662</b>	<b>\$74,110</b>
<b>Ni America Capital Management, LLC</b>													
<b>Corporate Governance</b>													
	\$517	\$492	\$3,195	\$1,330	\$3,759	\$1,349	\$1,517	\$1,806	\$1,862	\$1,728	\$2,554	\$7,605	\$ 27,716
<b>Total Allocable O&amp;M</b>	<b>\$6,808</b>	<b>\$5,116</b>	<b>\$12,508</b>	<b>\$3,988</b>	<b>\$10,862</b>	<b>\$5,444</b>	<b>\$8,368</b>	<b>\$9,075</b>	<b>\$9,484</b>	<b>\$8,495</b>	<b>\$9,410</b>	<b>\$12,267</b>	<b>\$101,826</b>



Question 3: For any changes in the total amount of corporate overhead recorded in 2009 compared to the total amount recorded for 2010 related to the hiring of additional employees in 2010, please indicate:

- a) The month the new employee was hired;
- b) The position title;
- c) The amount of their monthly compensation;
- d) Identify their duties and responsibilities;
- e) Identify the duties and responsibilities, if any, the new employees took over from any existing employees;
- f) Provide any change in the duties and responsibilities of all existing employees that occurred as a result of the hiring of additional employees; and
- g) Identify the specific benefits to Ni Florida's Tamiami customers as a result of the hiring any additional employees.

Response:

- a) There were 5 new employees hired during 2010. Stan Jones and Deanna Jones were hired in January; Donna Tuttle was hired in March; Lauren Burgess was hired in June; and Mark Daday was hired in September.
- b) Stan Jones is Regional President for South Carolina; Deanna Jones is the assistant to the Regional President for South Carolina; Donna Tuttle is the Controller; Lauren Burgess is an Analyst; and Mark Daday is CFO.
- c) Stan Jones makes \$14,583.33/month; Deanna Jones makes \$2,083.33/month; Donna Tuttle makes \$5,416.67/month; Lauren Burgess makes \$4,583.33/month; and Mark Daday makes \$12,500.00/month.
- d) The duties of each employee are detailed in response to Question 4 of Staff's Eighth Data Request.
- e) Duties and responsibilities are fairly dynamic and can change from week to week or month to month. The duties and responsibilities detailed in response to Question 4 of Staff's Eighth Data Request are the employees' main duties and responsibilities.
- f) Mark Daday was hired as the CFO and took over the duties and responsibilities of CFO from Ed Wallace, who previously held that position. Other duties and responsibilities for each employee are detailed in response to Question 4 of Staff's Eighth Data Request.
- g) The specific benefits to Ni Florida's Tamiami customers are operational, financial, and managerial functions of the system. The specific functions performed by employees were identified in response to Question 1 of Staff's Sixth Data Request.

Prepared by: Benny Wilkinson  
Reviewed by: Mark Daday

Question 4: Please identify the employees and their respective percentage of time and salary included in the allocation factor of 47.09 percent and identify the employees and their respective percentage of time and salary included in the allocation factor of 89.22 percent. For purposes of this response, please list the assigned duties for all employees and delineate between work related to water and or/wastewater operations and work related to acquisitions or other activities not directly related to operating water and/or wastewater utilities for both 2009 and 2010.

Response: The percent of time and salary each employee spends on utility-related business changes from year to year depending on: (1) the number of employees that are currently employed; (2) the number and size of acquisitions currently in the pipeline; and (3) the size and nature of acquisitions being integrated into the system. In a small company, Ni America has found that employees sometimes have to wear many hats. Additionally, titles may not be indicative of an employee's main focus. In general, in 2009 a great number of Ni employees spent a great deal of time working on the Palmetto and Brighton acquisitions. In 2010 responsibilities were changed to focus on integrating those companies into the system. Most employees spend 100% of their time on utility matters. Others spend some time on acquisition-related matters. Only Mark Myers spends a significant amount of time on acquisitions. A detail is provided in response to Question 1 of Staff's Eighth Data Request for each time period. A summary of each employee's duties and responsibilities for 2009 vs. 2010 is provided below.

**Benny Wilkinson** - Vice President of Financial Due Diligence

Mr. Wilkinson was employed by Ni continuously since 2007. In 2009 he directed all aspects of due diligence on both the Brighton and Palmetto transaction. In 2010, Mr. Wilkinson directs and coordinates with third party operators concerning the utilities' billing, collections, and general accounting matters. He confirms that the third parties' accounting entries (revenues, expenses, accruals, other estimates) were handled correctly. He also reviews the utilities' monthly financial statements to ensure financial statements are properly prepared. Finally, he is responsible assisting in the preparation of rate filings and for responding to all regulatory requests.

**Carey Thomas** - Senior Vice President of Human Resources

Mrs. Thomas was employed by Ni continuously since 2007. For both 2009 and 2010 she managed the corporate administration of day-to-day operations for all utilities owned by Ni America, including but not limited to payroll, human resources, and benefits. She manages the accounts payable – including operational and maintenance invoices, as well as all of the utilities' insurance policies (General Liability, Workman's

Compensation, etc). She also oversees the office facilities including purchasing furniture, office equipment, telephones and computers.

**Cory Pendleton** - Associate

Mr. Pendleton was employed by Ni continuously since 2008. In 2009, he had limited accounting responsibilities and primarily served as an analyst. In 2010 his responsibilities changed and he is now responsible for handling all general accounting and bookkeeping for the utilities owned by Ni America. He prepares each of the utilities' monthly financial statements in accordance with U.S. GAAP. He is also responsible for managing the cash available for each of the utilities owned by Ni America.

**Craig Sherwood** - Manager of Operations

Mr. Sherwood was employed by Ni for five months in 2009. When the Brighton acquisition closed, he became a consultant and managed all of Brighton's operations for Ni on a contract basis. Beginning in April 2011, Mr. Sherwood will lead and direct the operations at all owned utilities owned by Ni America. As part of this role, he will oversee and direct the coordination of all operations projects to ensure all utility assets are operated and maintained in compliance with regulatory statutes. He will approve the nature of expenses submitted by third parties to ensure proper classification (capital improvements vs. expensed items). He will coordinate with Ni America's third party operators concerning general repairs and maintenance.

**Deanna Jones** - Manager

Mrs. Jones was employed by Ni beginning in January 2010. She is responsible for assisting the President of South Carolina with development of the service territory and overseeing its operations.

**Donna Tuttle** - Controller

Mrs. Tuttle was employed by Ni beginning in March 2010. Like Ni's other systems Palmetto is run by a contract operator; however it became readily apparent that Ni needed to have an in-state accounting and control presence. Mrs. Tuttle is responsible for handling all general accounting and bookkeeping for the utilities owned by Ni South Carolina Utilities, Inc. She prepares the utility's monthly financial statements in accordance with U.S. GAAP. She is also responsible for managing the cash available for the utility.

**Edward R. Wallace** - President

Mr. Wallace was employed by Ni continuously since 2007. In 2009, he was actively involved in closing the acquisition of Palmetto Utilities, while overseeing all activities of the company including accounting and finance. In 2010, his financial and management responsibilities changed to focus almost entirely on integrating the two acquire companies into the system. After the hiring of a CFO in September 2010, he has overall responsibility for the management of Ni America and all its subsidiaries. As such, he

leads and directs the Ni America Operating staff, and manages the financial affairs of Ni America (including but not limited to approving corporate expenses and operational expenses).

**Frederick Melcher** – Manager of Public Relations

Mr. Melcher has worked part-time for Ni since 2007. In both 2009 and 2010 he was responsible for all customer and public relations for all utilities owned by Ni America. He communicates with customers in town-hall style meetings to educate them on reasons for rate increases and other customer focused issues. He also is responsible for all communications with the public at large, including the company website and any other mode of communication.

**Lauren Burgess** - Associate

Mrs. Burgess joined the Ni staff in July 2010. She's responsible for preparing the annual reports for the utilities owned by Ni America. She also prepares any and all ad hoc reports and materials as requested by management or regulatory agencies as relating to the utilities' operational performance and rate filings/audits.

**Mark Daday** - Chief Financial Officer

Mr. Daday joined Ni in September 2010. He has overall responsibility for the day-to-day financial management of Ni America and all its subsidiaries. As such, he leads and directs the Ni America finance, treasury, and accounting staff, and manages all financial affairs of Ni America (including but not limited to approving corporate expenses and operational expenses). He oversees 3<sup>rd</sup>-party contracts, capital expenditures, financings, and income tax administration.

**Mark Myers** - Senior Vice President of Business Development

Mr. Myers was employed by Ni continuously since 2007. In both 2009 and 2010 he was responsible for new business development. As such, he is responsible for expanding the existing customer base and service territory through internal growth and development. In addition, he is accountable for identifying new acquisition opportunities for the utility.

**Mike Ashfield** - Vice President of Operations

Mr. Ashfield was employed by Ni continuously since 2007. In 2009, he was responsible for documentation of all contracts including acquisitions. Beginning in 2010, he was promoted to VP of Operations. As such, Mr. Ashfield monitors the utility's regulatory affairs by engaging outside regulatory attorneys (i.e. matters having to do with the company's tariff). Further, he reviews and manages the utility's purchase contracts (i.e. plant, property and equipment purchases) and the property and fixed asset documents (title work, easements, etc). He also oversees operations management of all utilities.

**Nathan Johnson** - Senior Associate

Mr. Johnson was employed by Ni continuously since 2008. In 2009, he had limited management responsibilities and primarily served as an analyst. In 2010 his responsibilities changed and he is now responsible for preparing the annual reports for the utilities owned by Ni America. He also prepares any and all ad hoc reports and materials as requested by management or regulatory agencies as relating to the utilities' operational performance and rate filings/audits.

**Stan Jones** – Regional President of South Carolina

Mr. Jones joined Ni in January 2010. As a certified PE, he leads and directs the capital improvements programs at all owned utilities owned by Ni America. As part of this role, he oversees and directs the coordination of all capital projects to ensure all utility assets are in compliance with regulatory statutes. Mr. Jones approves the nature of expenses submitted by third parties to ensure proper classification (capital improvements vs. expensed items). He coordinates with Ni America's third party operators concerning general repairs and maintenance and engineering services. He is also responsible for overseeing internal growth in South Carolina.

**William (Andy) Thomas** - Vice President of Capital Improvements

Mr. Thomas was employed by Ni continuously since 2007. In 2009, he spent the majority of his time performing capital due diligence on the Brighton and Palmetto acquisitions. Beginning in 2010 his responsibilities changed to focus exclusively on capital needs in all of our existing utilities. As such Mr. Thomas leads and directs the capital improvements programs at all owned utilities owned by Ni America. As part of this role, he oversees and directs the coordination of all capital projects to ensure all utility assets are in compliance with regulatory statutes. He approves the nature of expenses submitted by third parties to ensure proper classification (capital improvements vs. expensed items). He coordinates with Ni America's third party operators concerning general repairs and maintenance.

Prepared by: Benny Wilkinson

Reviewed by: Mark Daday

NI Florida, LLC – Tamiami  
Docket No. 100149-WU

Staff's Eighth Data Request  
Question 5

Question 5: Please identify the equivalent residential connections (ERCs) for 2010, by month, for each Ni America water and wastewater system. Also provide the total number of ERCs for Ni America for the year ended December 31, 2010.

Response: Please see the response to Question 2 of Staff's Eighth Data Request for ERCs by system for each month of 2010.

Prepared by: Benny Wilkinson  
Reviewed by: Mark Daday

Ni Florida, LLC – Tamiami  
Docket No. 100149-WU

Staff's Eighth Data Request  
Question 6

Question 6: For purposes of this request, please see the audit adjustment in Audit Finding 5 and the additional adjustment addressed in Issue 10, on page 17 of the staff recommendation filed January 12, 2011. Please identify all corporate overhead costs for 2010, by month, that are the same or similar to the costs identified in the above-referenced adjustments related to 2009.

Response: Ni Florida attempted to identify the same type of adjustments identified for 2009 in 2010. The detail of such 2010 adjustments is attached. The main reasons the amount is smaller in 2010 than 2009 are that 2009 had non-recurring expenses of \$51,723 of severance pay and a \$19,992 additional payment to Texas Workforce Commission for which there were no costs incurred in 2010. The total adjustments for 2010 are \$39,356.95.

Prepared by: Benny Wilkinson  
Reviewed by: Mark Daday

Ni America Corporate Overhead  
Excluded Costs

January through December 2010

	Type	Date	Num	Adj	Name	Memo	Clr	Split	Amount
Ni America Operating, LLC									
Excluded Expenses									
660 · Advertising and Promotion									
	Bill	05/11/2010	1844		Classic Novelties	Ni America Shirts		20000 · Accounts Payable	2,355.36
	Bill	06/02/2010	Sponsorship		Katy PONY Baseball, Inc.	Federal Tax ID # 76-0377085 tax deductible contribution		20000 · Accounts Payable	250.00
	Bill	06/25/2010	1851		Classic Novelties	Ni America Shirt		20000 · Accounts Payable	652.30
	Bill	10/31/2010	October 2010 Amex		American Express	10/2010 Amex - Carey - Greeting Cards		20000 · Accounts Payable	1,125.05
Total 660 · Advertising and Promotion									<u>4,382.71</u>
675.3 · Meals and Entertainment									
675.302 · Ed Wallace									
	Bill	03/25/2010	Rodeo Food&Gratuity		Sutton, Barney A.	2010 Rodeo Food/gratuity down payment		20000 · Accounts Payable	8,000.00
	Bill	05/31/2010	Final Rodeo		Sutton, Barney A.	Final Rodeo Allocation		20000 · Accounts Payable	1,335.86
	Bill	10/11/2010	Rodeo 2011 Tics		Sutton, Barney A.	Tickets for the HLS&R for 2011		20000 · Accounts Payable	4,805.00
	Bill	11/24/2010	2011 Rodeo Pkng		Sutton, Barney A.	2011 Rodeo Parking		20000 · Accounts Payable	400.00
Total 675.302 · Ed Wallace									<u>14,540.86</u>
675.307 · Carey Thomas									
	Bill	12/31/2010	Dec 2010		American Express	Dec 2010 Amex - C. Thomas - Meals/X-Mas Party		20000 · Accounts Payable	675.74
	Bill	12/31/2010	Dec 2010		American Express	Dec 2010 Amex - C. Thomas - X-mas Party		20000 · Accounts Payable	663.47
Total 675.307 · Carey Thomas									<u>1,339.21</u>
675.315 · Cory Pendleton									
	Bill	12/31/2010	Dec 2010		American Express	Dec 2010 Amex - C. Pendleton - X-mas Party		20000 · Accounts Payable	48.00
Total 675.315 · Cory Pendleton									<u>48.00</u>
675.3 · Meals and Entertainment - Other									
	Bill	02/23/2010	Rodeo 2010		Texas Tornado Cookers	Rodeo exps 2010		20000 · Accounts Payable	1,250.00
	Bill	02/24/2010	Rodeo - 2010		Texas Tornado Cookers	Rodeo 2010		20000 · Accounts Payable	1,250.00
	Bill	11/08/2010	Rodeo cookoff		Texas Tornado Cookers	Rodeo cookoff Sponsorship 2011		20000 · Accounts Payable	3,250.00
	Bill	12/03/2010	2011 Sponser Fees		Texas Tornado Cookers	Sponser Fees for HLSR BBQ Cook-Off		20000 · Accounts Payable	3,250.00
Total 675.3 · Meals and Entertainment - Other									<u>9,000.00</u>
675.4 · Dues, Subscrip. & Prof. Org									
	Bill	02/09/2010	FY 2010		NW&SCOT	Associate Member 2010		20000 · Accounts Payable	326.20
	Bill	03/29/2010	R. Stan Jones		SC-AWWA	South Carolina Section AWWA		20000 · Accounts Payable	600.00
	Bill	05/31/2010	123052		TSCPA	Dues and PAC for Ed Wallace		20000 · Accounts Payable	380.00
	Bill	08/08/2010	Annual Dues		AICPA	Annual Dues for Ed Wallace 00029958		20000 · Accounts Payable	375.00
	Bill	08/31/2010	August 2010		American Express	John W, Ed, Stan, Andy Dues to SCRWA - Andy Thomas		20000 · Accounts Payable	920.00
	Bill	09/22/2010	Exp. Rpt.		Wilkinson, Benny (vendor)	2011 TX State Board of Public Accountancy license renewal		20000 · Accounts Payable	240.00
Total 675.4 · Dues, Subscrip. & Prof. Org									<u>2,841.20</u>
675.6 · Utility Associations									
675.643 · Texas									
	Bill	12/31/2010	2011		Texas Rural Water Associat	Associate Member Dues for 2011		20000 · Accounts Payable	400.00
Total 675.643 · Texas									<u>400.00</u>
675.9 · Other									
	Bill	05/31/2010	May 2010		American Express	05/2010 Amex - Carey (Flowers)		20000 · Accounts Payable	168.87



Ni America Corporate Overhead  
Excluded Costs

January through December 2010

Type	Date	Num	Adj	Name	Memo	Clr	Split	Amount
Bill	08/31/2010	August 2010		American Express	Flowers for Nathan's Baby - Carey Thomas		20000 - Accounts Payable	178.61
Bill	09/30/2010	Exp Rpt		Thomas, Carey A. (vendor)	birthday cake for Benny's birthday		20000 - Accounts Payable	30.00
Bill	12/31/2010	Dec 2010		American Express	Dec 2010 Amex - C. Thomas - Gift Baskets/Flowers		20000 - Accounts Payable	2,373.48
Bill	12/31/2010	Dec 2010		American Express	Dec 2010 Amex - A. Thomas - Gift Baskets		20000 - Accounts Payable	681.85
Total 675.9 - Other								3,432.81
Total Excluded Expenses - Ni America Operating, LLC								<u>35,984.79</u>

Ni America Capital Management, LLC

Excluded Expenses

675.4 - Dues, Fees, Subscriptions

General Journal	09/13/2010				2010 Registered Agent Fee for NI SC Enviro Svcs LLC			47.57
General Journal	09/13/2010				2010 Registered Agent Fee for Palmetto WW Rec LLC			47.57
General Journal	09/13/2010				2010 Registered Agent Fee for Palmetto NI Util LLC.			47.57
General Journal	10/15/2010				Statutory Representation 12/1/10 - 11/30/11 (CSC)			951.40
General Journal	11/22/2010				Certificate of Status in DE and SC for Ni SC Utilities, Inc.			114.75
								<u>1,208.86</u>

432 - Trans. Related Prof. Fees

General Journal	04/29/2010			Isdaner & Company, LLC	Tax Research on 83(B) - Jim McGivern	125.101 - Ni America Operating		2,163.30
								<u>2,163.30</u>

Total Excluded Expenses - Ni America Capital Management, LLC

3,372.16

Total Excluded Expenses - ALL

39,356.95

Question 7: For any rate relief petition filed by a Ni America subsidiary from January 1, 2010 to date, other than the instant case involving Ni Florida, LLC, please provide the requested and approved amount of allocated corporate overhead recognized in rates. In this response, please include all calculations showing the total amount of corporate before any adjustments for non-utility matters, the total utility-related amount of overhead, the allocation factor(s), and the number of ERCs used in the allocation determination from each case. In addition, please provide a copy of all orders from other Commissions related to the rate relief petitions referenced above.

Response: There have been no orders from other Commissions related to any cases filed by Ni America since January 1, 2010 for any of its systems. Ni America has filed one rate relief petition from January 1, 2010 to date. A Texas rate filing, which combined two separate systems in an attempt to obtain one rate tariff for these similar systems, was filed on December 23, 2010. The amount of overhead requested in the Texas rate filing is \$143,747. It represents three months of 2009 allocated overhead and nine months of 2010 allocated overhead, as the test year for the rate filing was the twelve months ended September 30, 2010. The total overhead before adjustment is \$2,548,912. The total utility-related amount of overhead is \$2,249,499. The following two schedules detail overhead allocations for the year 2009 and the first nine months of 2010; also included are the ERCs used. To verify the numbers used in the Texas rate case add the last three months from Shaded Lane and Brighton of 2009 with the nine month totals for the same companies in 2010. Any minor differences between this allocation and what is provided in question two are due to insignificant differences in direct allocations between states.

We have not filed or completed the preparation of the rate case for Palmetto Utilities, Inc. Ni America is planning to allocate overhead for January through April 2010 since that represents the four months that Ni America owned the company, having purchased the company on January 7, 2010. The test year for this filing is the twelve months ended April 30, 2010. The amount of overhead to be requested in the Palmetto rate filing has not been calculated but will not be significantly different than the amount that could be calculated by adding the first four months of the schedule included for the first nine months of 2010. Any minor differences between this allocation and what is provided in question two are due to insignificant differences in direct allocations between states.

Prepared by: Benny Wilkinson  
Reviewed by: Mark Daday

**Ni America Capital Management, LLC and Subsidiaries**  
**Overhead Allocation Based on Equivalent Residential Customers (ERCs)**  
**For the Year 2009**

ERCs	Jan 09	Feb 09	Mar 09	Apr 09	May 09	Jun 09	Jul 09	Aug 09	Sep 09	Oct 09	Nov 09	Dec 09	Total
Shaded Lane	204	204	204	205	205	205	205	203	203	202	204	200	2,444
Hudson	2,987	2,974	2,985	2,979	2,979	2,985	2,985	2,987	2,978	2,987	2,986	2,985	35,797
Tamiami	748	748	748	749	749	749	749	749	749	756	756	768	9,018
Brighton						748	748	747	740	738	726	732	5,179
<b>Total</b>	<b>3,939</b>	<b>3,926</b>	<b>3,937</b>	<b>3,933</b>	<b>3,933</b>	<b>4,687</b>	<b>4,687</b>	<b>4,686</b>	<b>4,670</b>	<b>4,683</b>	<b>4,672</b>	<b>4,685</b>	<b>52,438</b>

<b>Ni America Operating, LLC</b>													
Operations & Maintenance Expenses	\$ 278,921	\$ 171,970	\$ 158,523	\$ 165,485	\$ 143,350	\$ 111,060	\$ 108,333	\$ 97,056	\$ 102,023	\$ 100,570	\$ 100,365	\$ 234,330	\$ 1,771,987
Misc. Expenses	10,565	7,731	16,615	7,422	9,181	7,742	7,731	8,246	6,058	9,350	7,647	12,167	110,455
<b>Allocable Expenses from Ni Am Ops</b>	<b>\$ 289,486</b>	<b>\$ 179,701</b>	<b>\$ 175,138</b>	<b>\$ 172,908</b>	<b>\$ 152,531</b>	<b>\$ 118,802</b>	<b>\$ 116,063</b>	<b>\$ 105,302</b>	<b>\$ 108,082</b>	<b>\$ 109,920</b>	<b>\$ 108,011</b>	<b>\$ 246,496</b>	<b>\$ 1,882,442</b>

<b>Ni America Capital Management, LLC</b>													
Corporate Governance	\$ 5,553	\$ 5,588	\$ 7,139	\$ 5,667	\$ 5,084	\$ 5,076	\$ 5,044	\$ 5,079	\$ 105,094	\$ 74,266	\$ 13,410	\$ 13,779	\$ 250,779
<b>Total Allocable Corporate Overhead</b>	<b>\$ 295,040</b>	<b>\$ 185,289</b>	<b>\$ 182,277</b>	<b>\$ 178,574</b>	<b>\$ 157,615</b>	<b>\$ 123,878</b>	<b>\$ 121,108</b>	<b>\$ 110,381</b>	<b>\$ 213,176</b>	<b>\$ 184,187</b>	<b>\$ 121,421</b>	<b>\$ 260,275</b>	<b>\$ 2,133,221</b>

<b>% of Payroll Allocated to Utilities</b>	<b>47.09%</b>	<b>47.09%</b>	<b>47.09%</b>	<b>47.09%</b>	<b>47.09%</b>	<b>47.09%</b>	<b>47.09%</b>	<b>47.09%</b>	<b>47.09%</b>	<b>47.09%</b>	<b>47.09%</b>	<b>47.09%</b>	<b>47.09%</b>
<b>Total Allocable Expenses</b>	<b>\$ 138,931</b>	<b>\$ 87,251</b>	<b>\$ 85,832</b>	<b>\$ 84,089</b>	<b>\$ 74,219</b>	<b>\$ 58,333</b>	<b>\$ 57,028</b>	<b>\$ 51,977</b>	<b>\$ 100,382</b>	<b>\$ 86,732</b>	<b>\$ 57,176</b>	<b>\$ 122,561</b>	<b>\$ 1,004,512</b>

Shaded Lane	\$ 7,195	\$ 4,534	\$ 4,448	\$ 4,383	\$ 3,869	\$ 2,551	\$ 2,494	\$ 2,252	\$ 4,364	\$ 3,741	\$ 2,497	\$ 5,232	\$ 47,559
Hudson	105,353	66,094	65,077	63,692	56,217	37,150	36,319	33,132	64,013	55,321	36,543	78,088	696,999
Tamiami	26,382	16,623	16,308	16,014	14,134	9,322	9,113	8,308	16,100	14,002	9,252	20,091	175,649
Brighton	-	-	-	-	-	9,309	9,101	8,286	15,906	13,668	8,885	19,149	84,305
<b>Total Allocated Overhead</b>	<b>\$ 138,931</b>	<b>\$ 87,251</b>	<b>\$ 85,832</b>	<b>\$ 84,089</b>	<b>\$ 74,219</b>	<b>\$ 58,333</b>	<b>\$ 57,028</b>	<b>\$ 51,977</b>	<b>\$ 100,382</b>	<b>\$ 86,732</b>	<b>\$ 57,176</b>	<b>\$ 122,561</b>	<b>\$ 1,004,512</b>

**Ni America Capital Management, LLC and Subsidiaries**  
**Overhead Allocation**  
**For Year to Date September 2010**

<b>ERCs by Company</b>	<b>Jan 10</b>	<b>Feb 10</b>	<b>Mar 10</b>	<b>Apr 10</b>	<b>May 10</b>	<b>Jun 10</b>	<b>Jul 10</b>	<b>Aug 10</b>	<b>Sep 10</b>	<b>Total</b>
Shaded Lane	200	198	200	197	196	196	197	195	196	1,775
Hudson	2,992	2,992	2,994	2,995	2,995	2,991	2,984	2,989	2,983	26,915
Tamiami	769	743	742	742	744	744	741	776	775	6,776
Brighton	724	720	722	729	729	725	742	736	736	6,563
Palmetto	15,399	15,463	15,517	15,566	15,662	15,685	15,735	15,736	15,755	140,518
<b>Total</b>	<b>20,084</b>	<b>20,116</b>	<b>20,175</b>	<b>20,229</b>	<b>20,326</b>	<b>20,341</b>	<b>20,399</b>	<b>20,432</b>	<b>20,445</b>	<b>182,547</b>

Ni America Operating, LLC										
O&M	\$ 123,077	\$ 112,673	\$ 223,012	\$ 76,858	\$ 125,522	\$ 398	\$ 132,808	\$ 131,149	\$ 136,438	\$1,061,935
Miscellaneous	8,182	8,073	18,362	11,362	12,528	6,385	6,427	11,834	11,508	94,660
Other Expenses	36,286	4,780	27,563	(30,378)	60,001	96,131	48,660	49,252	52,243	344,539
Ni America Cap Mgmt, LLC										
Corporate Governance	15,148	14,941	97,382	42,794	115,115	41,350	46,804	53,308	55,052	481,894
<b>Total Overhead Expenses</b>	<b>\$ 182,693</b>	<b>\$ 140,468</b>	<b>\$ 366,320</b>	<b>\$ 100,635</b>	<b>\$ 313,167</b>	<b>\$ 144,265</b>	<b>\$ 234,698</b>	<b>\$ 245,544</b>	<b>\$ 255,240</b>	<b>\$1,983,029</b>

Shaded Lane	\$ 1,819	\$ 1,383	\$ 3,631	\$ 980	\$ 3,020	\$ 1,390	\$ 2,267	\$ 2,343	\$ 2,447	\$ 19,280
Hudson	27,217	20,893	54,362	14,900	46,145	21,213	34,332	35,921	37,241	292,224
Tamiami	6,995	5,188	13,473	3,691	11,463	5,277	8,525	9,326	9,669	73,607
Brighton	6,586	5,028	13,109	3,627	11,232	5,142	8,537	8,845	9,189	71,295
Palmetto	140,076	107,976	281,744	77,438	241,307	111,243	181,037	189,109	196,694	1,526,624
<b>Total</b>	<b>\$ 182,693</b>	<b>\$ 140,468</b>	<b>\$ 366,319</b>	<b>\$ 100,636</b>	<b>\$ 313,167</b>	<b>\$ 144,265</b>	<b>\$ 234,698</b>	<b>\$ 245,544</b>	<b>\$ 255,240</b>	<b>\$1,983,030</b>

Ni Florida, LLC – Tamiami  
Docket No. 100149-WU

Staff's Eighth Data Request  
Question 8

Question 8: Attached is a letter dated January 14, 2011, from Mr. John M. S. Hoefler on behalf of the NI America subsidiary in South Carolina to Ms. Jocelyn D. Boyd of the Public Service Commission of South Carolina, with the subject line "Notice of Intent to File for Rate Adjustment by Palmetto Utilities, Inc." Please provide the amount of allocated overhead that Palmetto will be requesting in the above-mentioned rate proceeding. In this response, please include all calculations showing the total amount of corporate before any adjustments for non-utility matters, the total utility-related amount of overhead, the allocation factor(s), and the number of ERCs used in the allocation determination.

Response: No rate proceeding has been prepared or filed to the Public Service Commission of South Carolina. See the response to Question 7 of the Staff's Eighth Data Request.

Prepared by: Benny Wilkinson  
Reviewed by: Mark Daday

Ni Florida, LLC – Tamiami  
Docket No. 100149-WU

Staff's Eighth Data Request  
Question 9

Question 9: Please provide an update of rate case expense associated with this deferral to the March 22, 2011, Commission Conference.

Response: See attached.

Prepared by: Benny Wilkinson  
Reviewed by: Mark Daday

**Ni Florida, LLC - Tamiami**  
**Rate Case Fees and Costs**  
**Actual thru December 31, 2010 and Estimated**

**Tangibl, LLC**

Actual Costs incurred through December 31, 2010	\$ 25,330.00	
Estimated Costs to be incurred through completion		See attached estimate
<b>Total Tangibl, LLC</b>	<u>\$ 25,330.00</u>	

**Rose, Sundstrom & Bentley, LLP**

Actual Costs incurred through December 31, 2010	\$ 35,380.32	
Estimated Costs to be incurred through completion	19,360.06	See attached estimate
<b>Total Rose, Sundstrom &amp; Bentley, LLP</b>	<u>\$ 54,740.38</u>	

**Key Engineering Associates, Inc.**

Actual Costs incurred through December 31, 2010	\$ 420.97	
Estimated Costs to be incurred through completion	-	
<b>Total Key Engineering Associates, Inc.</b>	<u>\$ 420.97</u>	

**Florida Utility Group - Customer Mailings**

Actual Costs incurred through December 31, 2010	\$ 1,011.92	Customer mailings
Estimated Costs to be incurred through completion	2,000.00	Customer mailings
<b>Florida Utility Group - Customer Mailings</b>	<u>\$ 3,011.92</u>	

**TOTAL DEFERRED RATE CASE EXPENSES - NI FLORIDA - TAMIAMI**

Actual Costs incurred through December 31, 2010	\$ 62,143.21	
Estimated Costs to be incurred through completion	21,360.06	
<b>TOTAL</b>	<u><u>\$ 83,503.27</u></u>	

**Ni Florida, LLC - Tamiami  
Rate Case Fees and Costs  
Project-to-Date December 31, 2010**

**Tangibl, LLC**

<u>Person</u>	<u>Invoice #</u>	<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>	<u>Description of Work</u>
Donald J. Clayton	40-33312.01	Lump Sum Quote		\$ 10,000.00	Rate case preparation
Donald J. Clayton	40-33312.02	Lump Sum Quote		15,000.00	Rate case preparation
					Preparation of responses
Donald J. Clayton	40-33301.11	2.0	\$ 165.00	330.00	to FPSC data requests
<b>Total Tangibl, LLC</b>				<b>\$ 25,330.00</b>	

**Rose, Sundstrom & Bentley, LLP**

<u>Person</u>	<u>Invoice #</u>	<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>	<u>Description of Work</u>
Martin Friedman	42154	1.3	\$ 330.00	\$ 429.00	Legal services-rate case
	42154			21.71	Expenses
Christian Marcelli	42664	4.9	\$ 305.00	1,494.50	Legal services-rate case
	42664			24.81	Expenses
Martin Friedman	42869	1.3	\$ 330.00	429.00	Legal services-rate case
Christian Marcelli	42869	12.2	\$ 305.00	3,721.00	Legal services-rate case
	42869			2,849.71	Expenses/Filing Fee
Martin Friedman	43096	0.8	\$ 330.00	264.00	Legal services-rate case
Christian Marcelli	43096	7.8	\$ 305.00	2,379.00	Legal services-rate case
	43096			68.74	Expenses/Filing Fee
Martin Friedman	43318	9.7	\$ 330.00	3,201.00	Legal services-rate case
Christian Marcelli	43318	15.9	\$ 305.00	4,849.50	Legal services-rate case
	43318			44.75	Expenses
Martin Friedman	43540	0.2	\$ 330.00	66.00	Legal services-rate case
Christian Marcelli	43540	17.6	\$ 305.00	5,368.00	Legal services-rate case
	43540			516.64	Expenses
Martin Friedman	43960	1.0	\$ 330.00	330.00	Legal services-rate case
Christian Marcelli	43960	17.1	\$ 305.00	5,215.50	Legal services-rate case
	43960			12.25	Expenses
Martin Friedman	43777	0.3	\$ 330.00	99.00	Legal services-rate case
Christian Marcelli	43777	11.9	\$ 305.00	3,629.50	Legal services-rate case
	43777			366.71	Expenses
<b>Total Rose, Sundstrom &amp; Bentley, LLP</b>				<b>\$ 35,380.32</b>	

**Florida Utility Group, LLC**

<u>Person</u>	<u>Invoice #</u>	<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>	<u>Description of Work</u>
Florida Utility Group	12373			\$ 1,011.92	Mailing customer letters
<b>Total Florida Utility Group, LLC</b>				<b>\$ 1,011.92</b>	

**Key Engineering Associates, Inc.**

<u>Person</u>	<u>Invoice #</u>	<u>Hrs</u>	<u>Rate</u>	<u>Amount</u>	<u>Description of Work</u>
Keith Bachmann	10-067B	2.0	\$ 135.00	\$ 270.00	Mapping for Rate Case
	10-067B			150.97	Expenses
<b>Total Key Engineering Associates, Inc.</b>				<b>\$ 420.97</b>	

**TOTAL** **\$ 62,143.21**



Ni Florida, LLC  
 Docket No. 100149-WU  
Rose, Sundstrom & Bentley, LLP

FEE ESTIMATE TO COMPLETE RATE CASE THROUGH PAA ORDER

<u>Hours</u>	<u>Description</u>
MSF 1.5 hrs CWM 3.0 hrs	Respond to Staff's 8th Data Request; Conference with client and consultants to response to data request.
MSF 1.5 hrs CWM 1.5 hrs	Review Staff recommendation; conference with client and consultants regarding recommendation; conference call with Staff and OPC regarding recommendation.
MSF 15.0 hrs CWM 0.0 hrs	Prepare for and attend Agenda conference, discuss Agenda with client and Staff.
MSF 1.0 hrs CWM 1.0 hrs	Review PAA Order; conference with client and consultants regarding PAA Order.
MSF 0.0 hrs CWM 2.0 hrs	Prepare revised tariff sheets, obtain Staff approval of tariffs; Draft and revise customer notice, obtain Staff approval; Coordinate mailing of customer notices and implementation of tariffs.
MSF-19.0 hrs @ \$340/hr. CWM-7.5 hrs @ \$315/hr.	MSF \$ 6,460.00 <u>CWM \$ 2,205.00</u> \$ 8,665.00 total estimated fees
MSF/CWM 29.8 hrs	\$9,489.50 total unbilled actual fees (See attached report)
<b>TOTAL</b>	<b>\$18,154.50 - ESTIMATED AND UNBILLED FEES</b>

COST ESTIMATE TO COMPLETE RATE CASE THROUGH PAA ORDER

\$500.00	Attend Agenda Conference, travel/lodging/meals
\$100.00	Estimated photocopier costs
<u>\$ 30.00</u>	Estimated courier costs
\$630.00	
+\$503.31	Unbilled costs to attend 01/25/11 Agenda Conference (actual travel/lodging/meals)
<u>+\$ 72.25</u>	Unbilled photocopier costs (actual)
<b>\$1,205.56</b>	<b>TOTAL ESTIMATED AND UNBILLED COSTS</b>

# Time Report

Unbilled

NI FLORIDA, LLC / 12/31/09 TY RATE CASE - LEE COUNTY (43053-4)

02/10/2011

Date	SM/Task	Attorney Name	Rate	Hours	Amount	Rev Hrs	Rev Amt	Service	Activity	Status
01/03/2011	0046	CHRISTIAN W MARCELLI	A	1.10	346.50	1.10	346.50	10000	REVIEW CORRESPONDENCE FROM CLIENT AND CONSULTANT REGARDING RESPONSES TO STAFF'S SEVENTH DATA REQUEST; REVIEW AND REVISE PROPOSED RESPONSES TO SAME; DRAFT CORRESPONDENCE TO PSC CLERK RESPONDING TO STAFF'S SEVENTH DATA REQUEST; PREPARE DOCUMENTS AND FILE WITH PSC CLERK'S E-FILING SYSTEM.	Unbilled
01/04/2011	0046	CHRISTIAN W MARCELLI	A	1.20	378.00	1.20	378.00	10000	REVIEW AND REVISE RESPONSE TO STAFF'S SEVENTH DATA REQUEST; REVIEW CORRESPONDENCE FROM AND DRAFT CORRESPONDENCE TO CLIENT REGARDING RESPONSE TO DATA REQUEST; PREPARE RESPONSE AND FILE WITH PSC CLERK'S E-FILING SYSTEM.	Unbilled
01/05/2011	0046	CHRISTIAN W MARCELLI	A	0.60	189.00	0.60	189.00	10000	REVIEW CORRESPONDENCE FROM BOB NIXON REGARDING AUTO ADJUSTMENT RATES; REVIEW CORRESPONDENCE FROM LORNE HUNSBERGER REGARDING ANALYSIS OF CONSUMPTION DATA AND RESULTING RATES; TELEPHONE CONFERENCE WITH PAT MARSICANO REGARDING STATUS OF CUSTOMER NOTICE.	Unbilled
01/12/2011	0046	CHRISTIAN W MARCELLI	A	1.50	472.50	1.50	472.50	10000	REVIEW STAFF RECOMMENDATION; DRAFT CORRESPONDENCE TO CLIENT REGARDING ANALYSIS OF RECOMMENDATION; REVIEW CORRESPONDENCE FROM CLIENT REGARDING SAME.	Unbilled
01/12/2011	0003	MARTIN S FRIEDMAN	A	0.40	136.00	0.40	136.00	10000	REVIEW AND COMMENT UPON STAFF RECOMMENDATION	Unbilled
01/13/2011	0003	MARTIN S FRIEDMAN	A	1.40	476.00	1.40	476.00	10000	PREPARE FOR AND PARTICIPATE IN CONFERENCE CALL WITH CLIENT AND CLIENT REPRESENTATIVES REGARDING STAFF RECOMMENDATION	Unbilled
01/13/2011	0046	CHRISTIAN W MARCELLI	A	2.00	630.00	2.00	630.00	10000	TELEPHONE CONFERENCE WITH CLIENT AND CONSULTANTS REGARDING STAFF RECOMMENDATION; LEGAL RESEARCH REGARDING ISSUES RAISED BY CLIENT.	Unbilled
01/18/2011	0003	MARTIN S FRIEDMAN	A	0.80	272.00	0.80	272.00	10000	PREPARE FOR AND PARTICIPATE IN CONFERENCE CALL IN PREPARATION FOR AGENDA	Unbilled
01/18/2011	0046	CHRISTIAN W MARCELLI	A	1.50	472.50	1.50	472.50	10000	REVIEW CORRESPONDENCE AND DOCUMENTATION FROM CLIENT REGARDING CORPORATE ALLOCATION ISSUE; REVIEW RESPONSES TO STAFF'S DATA REQUESTS IN LIGHT OF ALLOCATIONS DOCUMENT; DRAFT CORRESPONDENCE TO CLIENT AND CONSULTANT REGARDING SAME.	Unbilled
01/19/2011	0046	CHRISTIAN W MARCELLI	A	0.80	252.00	0.80	252.00	10000	DRAFT CORRESPONDENCE TO AND REVIEW CORRESPONDENCE FROM CLIENT REGARDING OVERHEAD ALLOCATION ANALYSIS.	Unbilled
01/20/2011	0046	CHRISTIAN W MARCELLI	A	0.60	189.00	0.60	189.00	10000	DRAFT CORRESPONDENCE TO AND REVIEW CORRESPONDENCE FROM CLIENT AND CONSULTANT REGARDING OVERHEAD ALLOCATION ISSUES.	Unbilled
01/21/2011	0046	CHRISTIAN W MARCELLI	A	1.60	504.00	1.60	504.00	10000	TELEPHONE CONFERENCE WITH CLIENT REGARDING PRESENTATION OF INFORMATION AT PSC AGENDA CONFERENCE; PREPARE BINDER OF RESPONSES TO STAFF'S DATA REQUESTS AND INFORMATION SUBMITTED TO STAFF OVER THE COURSE OF THE RATE CASE.	Unbilled
01/21/2011	0003	MARTIN S FRIEDMAN	A	0.50	170.00	0.50	170.00	10000	PREPARE FOR AND PARTICIPATE IN CONFERENCE CALL IN PREPARATION FOR UPCOMING AGENDA	Unbilled

# Time Report

Unbilled

NI FLORIDA, LLC / 12/31/09 TY RATE CASE - LEE COUNTY (43053-4)

02/10/2011

Date	SM/Task	Attorney Name	Rate	Hours	Amount	Rev.Hrs	Rev.Amt	Service	Activity	Status
01/24/2011	0046	CHRISTIAN W MARCELLI	A	6.00	1,890.00	6.00	1,890.00	10000	REVIEW MFRS, APPLICATION, RESPONSES TO DATA REQUESTS; AUDIT REPORT; AND CORRESPONDENCE BETWEEN PARTIES IN PREPARATION FOR AGENDA CONFERENCE; TRAVEL TO TALLAHASSEE TO ATTEND AGENDA CONFERENCE.	Unbilled
01/25/2011	0046	CHRISTIAN W MARCELLI	A	8.00	2,520.00	8.00	2,520.00	10000	FINAL PREPARATION WITH CLIENT FOR AGENDA CONFERENCE; REVIEW OF ISSUES OTHER THAN ALLOCATIONS; ATTEND AGENDA CONFERENCE; RETURN TRAVEL TO CENTRAL FLORIDA.	Unbilled
01/25/2011	0003	MARTIN S FRIEDMAN	A	1.00	340.00	1.00	340.00	10000	PRESENT ARGUMENT AT PSC AGENDA	Unbilled
01/27/2011	0046	CHRISTIAN W MARCELLI	A	0.30	94.50	0.30	94.50	10000	REVIEW STAFF'S EIGHTH DATA REQUEST (POST AGENDA); DRAFT CORRESPONDENCE TO CLIENT REGARDING SAME.	Unbilled
01/28/2011	0046	CHRISTIAN W MARCELLI	A	0.50	157.50	0.50	157.50	10000	REVIEW CORRESPONDENCE FROM CLIENT REGARDING RESPONDING TO STAFF'S EIGHTH DATA REQUEST; DRAFT CORRESPONDENCE TO STAFF REGARDING REQUEST FOR EXTENSION; TELEPHONE CONFERENCE WITH RALPH JAEGER OF PSC STAFF REGARDING SAME; DRAFT CORRESPONDENCE TO CLIENT REGARDING SAME.	Unbilled
<b>Report Totals:</b>				<b>29.80</b>	<b>9,489.50</b>	<b>29.80</b>	<b>9,489.50</b>			