

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval to amend
Miscellaneous Service charges to include all
NSF charges by Environmental Protection
Systems of Pine Island, Inc.

DOCKET NO. 140030-SU
ORDER NO. PSC-14-0198-TRF-SU
ISSUED: May 2, 2014

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman
LISA POLAK EDGAR
RONALD A. BRISÉ
EDUARDO E. BALBIS
JULIE I. BROWN

ORDER APPROVING NON-SUFFICIENT FUNDS FEES

BY THE COMMISSION:

Background

Environmental Protection Systems of Pine Island, Inc. (EPS or Utility) is a Class C utility serving approximately 457 wastewater connections in Lee County. EPS reported wastewater revenues of \$226,526 in its 2012 Annual Report. The system is located at the southern end of Pine Island, approximately 30 miles from Fort Myers.

On February 4, 2014, EPS filed a request for approval to amend its miscellaneous service charges to include non-sufficient funds (NSF) charges. This Order addresses the request for approval of NSF charges pursuant to Sections 68.065 and 832.08(5), Florida Statutes (F.S.). We have jurisdiction to consider this matter pursuant to Section 367.091, F.S.

Decision

Section 367.091, F.S., requires that rates, charges, and customer service policies be approved by this Commission. We have authority to establish, increase, or change a rate or charge. Base upon our analysis, we find that EPS shall be authorized to collect NSF charges 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 Sections 832.08(5) and 68.065(2), F.S., the following NSF charges 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.

Approval of NSF charges are consistent with our prior decisions.¹ Furthermore, NSF charges place the cost on the cost-causer, rather than requiring that the costs associated with the return of the NSF checks be spread across the general body of ratepayers. As such, we find that EPS shall revise its tariffs to reflect the NSF charges currently set forth in Sections 68.065 and 832.08(5), F.S. The NSF charges shall be effective on or after the stamped approval date on the tariff sheets pursuant to Rule 25-30.475(1), Florida Administrative Code. In addition, the NSF charges shall not be implemented until our staff has approved the proposed customer notice. The Utility shall provide proof of the date the notice was given within 10 days of the date of the notice.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Environmental Protection Systems of Pine Island, Inc. is hereby authorized to collect non-sufficient funds fees in accordance with Sections 68.065 and 832.08(5), Florida Statutes. It is further

ORDERED that if a protest is filed by a substantially affected person within 21 days of issuance of the order, the tariff should remain in effect, with any revenues held subject to refund, pending resolution of the protest. It is further

ORDER that if no timely protest is filed, this docket will become final upon the issuance of a consummating order. It is further

ORDERED that this docket shall remain open to allow Commission staff to verify that the revised tariff sheet and customer notice have been filed by Environmental Protection Systems of Pine Island, Inc. and approved by Commission staff. It is further

ORDERED that once Commission staff has verified that the revised tariff sheet and customer notice have been filed by Environmental Protection Systems of Pine Island, Inc. and approved, the docket shall be closed administratively.

¹ See Order Nos. PSC-10-0364-TRF-WS, issued June 7, 2010, in Docket No. 100170-WS, In re: Application for authority to collect non-sufficient funds charges, pursuant to Sections 68.065 and 832.08(5), F.S., by Pluris Wedgefield Inc., and 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.

By ORDER of the Florida Public Service Commission this 2nd day of May, 2014.



HONG WANG
Chief Deputy Commission Clerk
Florida Public Service Commission
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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NOTICE OF FURTHER PROCEEDINGS

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the proposed action files a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 23, 2014.

In the absence of such a petition, this Order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.