

**Diamond Williams**

100149-WU

**From:** Trina Collins [TCollins@RSBattorneys.com]  
**Sent:** Thursday, September 16, 2010 12:11 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  
**Importance:** High  
**Attachments:** PSC Clerk 06 (AOM Initial Customer Notice and Notice of Customer Meeting) ltr.pdf

- a. Martin S. Friedman, Esq.  
Christian W. Marcelli, Esq.  
Rose, Sundstrom & Bentley, LLP  
Sanlando Center  
2180 W. State Road 434, Suite 2118  
Longwood, FL 32779  
Phone: (407) 830-6331  
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Email: [mfriedman@rsbattorneys.com](mailto:mfriedman@rsbattorneys.com)  
[cmarcelli@rsbattorneys.com](mailto:cmarcelli@rsbattorneys.com)
- b. Docket No. 100149-WU; Ni Florida, LLC's Application for an Increase in Water Rates in Lee County, Florida - Filing the Notice of Filing of the Affidavit of Mailing and the Affidavit of Mailing evidencing that the Initial Customer Notice and Notice of Customer Meeting have been sent to the customers of Ni Florida, LLC.
- c. Ni Florida, LLC
- d. 9 Pages.
- e. Letter to Commission Clerk - 1 page; Notice of Filing - 1 page; Affidavit of Mailing - 1 page; Initial Customer Notice - 4 pages; and Notice of Customer Meeting - 2 pages.

9/16/2010

DOCUMENT NUMBER 07767

07767 SEP 16 2010

FPSC-COMMISSION CLERK

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REPLY TO CENTRAL FLORIDA OFFICE

September 16, 2010

E-FILING

CENTRAL FLORIDA OFFICE  
SANLANDO CENTER  
2180 W. STATE ROAD 434, SUITE 2118  
LONGWOOD, FLORIDA 32779  
(407) 830-6331  
FAX (407) 830-8522

MARTIN S. FRIEDMAN, P.A.  
BRIDGET M. GRIMSLEY  
CHRISTIAN W. MARCELLI  
BRIAN J. STREET

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

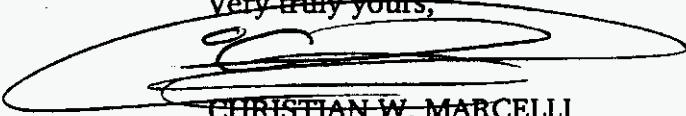
Re: Docket No. 100149-WU; Ni Florida, LLC Tamiami  
Application for an Increase in Water Rates in Lee County, Florida  
Our File No.: 43053.04

Dear Ms. Cole:

Enclosed for filing in the above-referenced docket is a Notice of Filing of the Affidavit of Mailing and the Affidavit of Mailing evidencing that the Initial Customer Notice and Notice of Customer Meeting have been sent to the customers of Ni Florida, LLC.

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/tlc  
Enclosures

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\NI FLORIDA, LLC (43053)\(.04) 12-31-09 TY Rate Case (Lee County)\PSC Clerk 06 (AOM Initial Customer Notice and Notice of Customer Meeting) ltr.doc

DOCUMENT NUMBER DATE  
07767 SEP 16 09  
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of  
NI FLORIDA, LLC  
for an increase in water  
rates in Lee County, Florida

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DOCKET NO. 100149-WU

**NOTICE OF FILING**

Applicant, NI FLORIDA, LLC, by and through its undersigned attorneys, hereby gives notice of filing in the above-referenced docket the Affidavit of Mailing evidencing that the Initial Customer Notice, attached hereto, and Notice of Customer Meeting, attached hereto, have been mailed to the customers of Ni Florida, LLC.

Respectfully submitted on this 16<sup>th</sup> day  
of September, 2010, by:

ROSE, SUNDSTROM & BENTLEY, LLP  
2180 W. State Road 434  
Suite 2118  
Longwood, Florida 32779  
Telephone: (407) 830-6331  
Facsimile: (407) 830-8522  
cmarcelli@rsbattorneys.com

By: 

CHRISTIAN W. MARCELLI

For the Firm

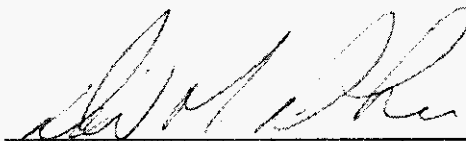
**AFFIDAVIT OF MAILING**

STATE OF Florida

COUNTY OF Pasco

Before me, the undersigned authority, authorized to administer oaths and take acknowledgments, personally appeared DAVID M. DILENA, who, after being duly sworn on oath, did depose on oath and say that he/she is the Customer Suse of Ni Florida, LLC, and that on September 15<sup>th</sup>, 2010, he/she did send by regular U.S. Mail, a copy of the Initial Customer Notice, attached hereto, and a copy of the Notice of Customer Meeting, attached hereto, to all customers of the utility.

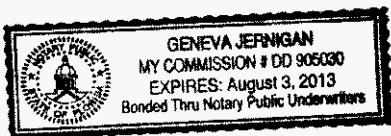
FURTHER AFFIANT SAYETH NAUGHT.



Print Name: DAVID M. DILENA

Print Title: CUSTOMER SERVICE Mgr.

Sworn to and subscribed before me this 15<sup>th</sup> day of September, 2010, by David Dilena, who is personally known to me or has produced \_\_\_\_\_ as identification.



Print Name: Geneva Jernigan

NOTARY PUBLIC

My Commission Expires: 8/3/2013

DOCUMENT NUMBER DATE

07767 SEP 16 2010

FPSC-COMMISSION CLERK

BEFORE THE PUBLIC SERVICE COMMISSION

INITIAL CUSTOMER NOTICE

TO THE CUSTOMERS OF  
NI FLORIDA, LLC  
AND  
ALL OTHER INTERESTED PERSONS

RE: DOCKET NO. 100149-WU

APPLICATION FOR INCREASE IN WATER RATES IN LEE COUNTY  
BY NI FLORIDA, LLC

September 15, 2010

BACKGROUND

Ni Florida, LLC (the "Utility") is a water utility whose corporate offices are located at 10913 Metronome Drive, Houston, TX 77943-2201. The Utility's Florida office is located at 13825 U.S. Hwy 19, Suite 301, Hudson, FL 34667. The Utility's water facilities are located in Lee County, Florida.

The Utility filed an application with the Florida Public Service Commission (the "Commission") for increased water rates for its Lee County customers on June 22, 2010. The application was assigned Docket No. 100149-WU, and July 28, 2010, was established as the official date of filing.

As reported in its Minimum Filing Requirements ("MFRs") filed with its application to the Commission, the Utility's revenues per books are \$220,146, with operating expenses per books of \$326,682, for its water system, resulting in a net operating loss of \$106,536, per books, before adjustments. The rate increase application has been filed by the Utility because of inadequate earnings. Copies of the MFRs will be available for inspection at the following locations:

<p>North Fort Myers Public Library 2001 North Tamiami Trail Fort Myers, FL 33903-2802</p>	<p><u>Hours:</u> Monday - 10:00 am - 6:00 pm Tuesday - 12:00 pm - 8:00 pm Wednesday - 10:00 am - 6:00 pm Thursday - 10:00 am - 8:00 pm Friday - 9:00 am - 5:00 pm Saturday - 9:00 am - 5:00 pm Sunday - Closed</p>
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DOCUMENT NUMBER DATE

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FPSC-COMMISSION CLERK

A "Rate Case Synopsis" will also be available, along with the application and MFRs. The test period for setting rates is the historical average thirteen-month period ended December 31, 2009.

The following tentative schedule was established by the Commission for the remaining major events in the Utility's rate case:

<u>Schedule Item</u>	<u>Due Date</u>
Staff Audit Report	09/07/2010
Agenda Conference on Interim Rates	08/31/2010
Customer Meeting	09/29/2010*
Staff's Proposed Agency Action ("PAA") Recommendation	12/02/2010
Agenda Conference on PAA Rates	12/14/2010
PAA Order	01/03/2011
Protest Period Expires	01/24/2011

\*The customer meeting will be held at 6:00 p.m., on Wednesday, September 29, 2010 in the Friendship Hall at Tamiami Village, 16555-A N. Cleveland Avenue, U.S. 41 North, N. Fort Myers, FL 33903.

**CURRENT AND PROPOSED CHARGES**

The current and proposed rates and charges follow. These rates are subject to change based on information gathered at the customer meeting, further Staff review, and the final decision by the Commissioners.

<b>NI FLORIDA, LLC WATER SERVICE</b>			
<u>Residential</u>	<u>Rates Prior to Filing</u>	<u>Utility's Requested Interim Rates</u>	<u>Utility Requested Final Rates</u>
Base Facility Charge all Meter Sizes:	\$13.61	\$23.93	\$25.39
Gallonge Charge - Per 1,000 gallons	\$3.36	\$5.50	\$6.27

<b>NI FLORIDA, LLC WATER SERVICE (continued)</b>			
<u>General Service</u>	<u>Rates Prior to Filing</u>	<u>Utility's Requested Interim Rates</u>	<u>Utility Requested Final Rates</u>
Base Facility Charge by Meter Size:			
5/8" x 3/4"	\$11.13	\$19.57	\$20.76
1"	\$27.89	\$49.03	\$52.02
1 1/2"	\$55.76	\$98.02	\$104.01
2"	\$89.21	\$156.82	\$166.40
3"	\$195.18	\$343.11	\$364.07
4"	\$278.82	\$490.14	\$520.08
<u>General Service - Consumption Charge – Per 1,000 gallons</u>	\$3.36	\$5.91	\$6.60
<u>General Service – RV Park</u>	<u>Rates Prior to Filing</u>	<u>Utility's Requested Interim Rates</u>	<u>Utility Requested Final Rates</u>
Base Facility Charge by Meter Size:			
3"	\$1,425.53	\$2,505.97	\$2,659.04
<u>General Service RV Park - Consumption Charge – Per 1,000 gallons</u>	\$3.54	\$6.22	\$6.60

**SERVICE AVAILABILITY CHARGES**

The Utility is not requesting any changes to its service availability charges. Even though not requested to do so, the Commission may review and adjust service availability charges.

**NON-SUFFICIENT FUNDS ("NSF") CHECK CHARGES**

The Utility is requesting approval of NSF Check charges that 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. 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, or five percent (5%) of the face amount of the check, whichever is greater.

**MISCELLANEOUS SERVICE CHARGES**

The Utility is requesting the following changes to its miscellaneous service charges:

Type of Charge	Present Charge		Requested Charge	
	During Business Hours	After Business Hours	During Business Hours	After Business Hours
Initial Connection	\$15.00	\$15.00	\$27.00	\$40.00
Normal Reconnection	\$15.00	\$15.00	\$27.00	\$40.00
Violation Reconnection	Actual Cost	Actual Cost	Actual Cost	Actual Cost
Premises Visit	\$10.00	\$10.00	\$18.00	\$27.00
Late Payment Charge	NA	NA	\$5.00	\$5.00

*\*Actual cost equals the total cost incurred for services.*

Written comments regarding the Utility's service or the requested final rate increases may be sent to the Commission at the following address:

Office of Commission Clerk  
 Florida Public Service Commission  
 2540 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-0850

All comments should refer to Docket No. 100149-WU, which is the docket number that has been assigned to this case. Complaints regarding service may be made to the Commission's Division of Regulatory Compliance and Consumer Assistance at the following toll-free number: 1-800-342-3552.

If you have any questions, please call the Utility's office at 877-233-0101.

Ni Florida LLC



BEFORE THE PUBLIC SERVICE COMMISSION

NOTICE OF CUSTOMER MEETING

TO THE CUSTOMERS OF  
NI FLORIDA, LLC  
AND  
ALL OTHER INTERESTED PERSONS

Re: Docket No. 100149-WU; Application For Increase In Water Rates In Lee County  
By Ni Florida, LLC

NOTICE is hereby given that the Staff of the Florida Public Service Commission will conduct a customer meeting to discuss Ni Florida LLC's Application for a rate increase. The meeting will be held at the following time and place:

6:00 p.m., Wednesday, September 29, 2010  
Friendship Hall at Tamiami Village  
16555-A N. Cleveland Avenue  
U.S. 41 North  
N. Fort Myers, Florida 33903

All persons who wish to comment are urged to be present at the beginning of the meeting, since the meeting may be adjourned early if no customers are present. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting. The meeting will begin as scheduled and will continue until all of the customers have been heard.

The purpose of this meeting is to give customers and other interested persons an opportunity to offer comments to Commission Staff regarding the quality of service the Utility provides and to ask questions, and comment on the rates included in this Notice as well as other issues. Commission Staff will be available to address and coordinate customers' comments and to assist members of the public. A representative from the Utility may also be in attendance. At the beginning of the meeting, procedures will be established for the order of comments. Commission Staff will have sign-up sheets, and customers will be called in the order that they sign up to speak.

Pursuant to provisions of the Americans With Disabilities Act, any person requiring special accommodations to participate in this meeting because of a physical impairment should call the Office of Commission Clerk at (850) 413-6770 at least 48 hours prior to the meeting. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice).

### Emergency Cancellation of Customer Meeting

If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found at the bottom of the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at 850-413-6199.

### How to Contact the Commission

Any person who wishes to comment or provide information to Commission Staff may do so at the meetings, either orally or in writing. Other written comments regarding the Utility and the proposed rates, or requests to be placed on the mailing list for this case, may be directed to this address:

Office of the Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

All correspondence should refer to "Docket No. 100149-WU, Ni Florida, LLC". Your letter will be placed in the correspondence file of this docket. You may also submit comments through the Florida Public Service Commission's toll-free facsimile line at 1-800-511-0809.

If you wish to contact the Florida Public Service Commission regarding complaints about service, you may call the Commission's Division of Regulatory Compliance and Consumer Assistance at the following toll-free number 1-800-342-3552. You may also submit a complaint through the Commission's website at:

<http://www.floridapsc.com/consumers/complaints/index.aspx>.

This notice was prepared by the Utility and approved by Commission Staff for distribution by the Utility to its customers.