

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Raintree) DOCKET NO. 911039-WU
Utilities, Inc. for a water) ORDER NO. PSC-92-0019-FOF-WU
certificate in Lake County,) ISSUED: 3/10/92
Florida.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
LUIS J. LAUREDO

ORDER GRANTING CERTIFICATE, SETTING RATES
AND CHARGES, AND CLOSING DOCKET

BY THE COMMISSION:

Background

On September 8, 1987, this Commission issued Order No. 18131 granting Raintree Utilities, Inc. (Raintree) an exemption from Commission jurisdiction, pursuant to Section 367.022(6), Florida Statutes. Section 367.022(6) exempts from Commission jurisdiction those systems with the capacity or proposed capacity to serve 100 or fewer persons. Raintree was found to be exempt based upon the initial 29 lot subdivision and associated capacity of the water plant. Raintree began operation in January, 1988 and implemented rates and charges in January 1990.

On July 18, 1991, the Commission received a customer complaint concerning a bill from Raintree. Although Raintree is not precluded from charging for service under Section 367.022(6), Florida Statutes, we contacted Raintree about the complaint. Raintree advised that it was in the process of expanding the distribution system to serve an additional 119 lots and had received Lake County's approval for the second phase of the development. The Utility further advised that it was preparing to file an application with the Commission for an original certificate.

DOCUMENT NUMBER-DATE

02318 MAR 10 1992

EDCA RECORDS / REPORTING

On October 10, 1991, Raintree filed its application for a water certificate. On November 7, 1991, the City of Eustis filed an objection to the notice of application. The City withdrew its objection on December 2, 1991, after clarification of Raintree's service area.

Application

The application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules. With its application, Raintree submitted a filing fee in the amount of \$150, pursuant to Rule 25-30.020, Florida Administrative Code. The Utility also provided evidence that it owns the land upon which its facilities are located, as required by Rule 25-30.034(1)(e), Florida Administrative Code.

Raintree provided adequate service territory and system maps and a territory description, as prescribed by Rule 25-30.034(1)(h), (i) and (j), Florida Administrative Code. In addition, the Utility provided proof of compliance with the noticing provisions of Rule 25-30.030, Florida Administrative Code, including notice to its customers. As discussed previously, the objection filed by the City of Eustis has been withdrawn. No other objections have been received and the time for filing such has expired.

The President of Raintree, Mr. Don Monn, is also the developer of the service area. He has been a developer for 22 years and has been involved in developments with private water systems. Plant Technicians, Inc., has operated the water system, under contract with the Utility, since it began operation in 1988. According to information filed with the application, Mr. Monn has adequate resources for the continued operation of the Utility. Further, the Department of Environmental Regulation (DER) has no outstanding notices of violation against Raintree.

Based on the foregoing, we find that it is in the public interest to grant Raintree Certificate No. 539-W to serve the territory described in Attachment A of this Order, which by reference is incorporated herein.

Rates and Charges

We find Raintree's present rates and charges to be reasonable and they are, therefore, approved. They are as follows:

Residential, General and
Multi-Residential service
(Quarterly Rates)

Base Facility Charge
Meter Size

5/8" x 3/4"	\$	39.00
3/4"		58.50
1"		97.50
1-1/2"		195.00
2"		312.00
3"		624.00
4"		975.00
6"		1,950.00

Gallonage Charge

Per 1,000 Gallons	\$	1.40
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Service Availability Charges

System Capacity Charge (includes meter installation)	\$	250.00
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It should be noted that Raintree does not charge customer deposits and none are approved herein. The Utility has, however, requested miscellaneous service charges in accordance with Staff Advisory Bulletin 13 (Second Revised). These charges will be administratively approved by the Commission Staff upon approval of the Utility's tariff.

As previously discussed, Raintree is a developer-owned utility, which has sufficient capacity and lines in place to serve the 119 lot development. The Utility's service availability policy, approved herein, provides that each initial connection will pay a \$250 system capacity charge, which includes the meter installation, regardless of meter size, and the cost of existing lines. This policy is based upon the existing 119 lot subdivision. Should Raintree amend its service area, it will need to consider inclusion of charges for larger meters in its service availability policy and provisions for contributed property.

The Utility has filed a tariff which reflects the rates and charges approved herein. The tariff shall become effective on the stamped approved date on the tariff sheets.

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Regulatory Assessment Fees and Annual Report

Rules 25-30.110(3) and 25-30.120(2), Florida Administrative Code, require regulated utilities to file annual reports and pay regulatory assessment fees regardless of whether a certificate has been granted. Since Raintree has been operating as an exempt utility, it is not appropriate for the Utility to pay regulatory assessment fees for 1991 or file a 1991 annual report. However, as a result of the instant Order, Raintree is no longer an exempt utility. In the future, Raintree shall file annual reports and pay the appropriate regulatory assessment fees.

It is, therefore,

ORDERED by the Florida Public Service Commission that Raintree Utilities, Inc., 2101 South Bay Street, Eustis, Florida 32726, is hereby granted Certificate No. 539-W to serve the territory described in Attachment A of this Order. It is further

ORDERED that Raintree shall charge its customers the rates and charges approved herein until authorized to change by the Commission. The rates shall be effective on the stamped approval date on the tariff sheets. It is further

ORDERED that Docket No. 911039-WU is hereby closed.

By ORDER of the Florida Public Service Commission, this 10th
day of MARCH, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ALC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.

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ATTACHMENT A

RAINTREE UTILITIES, INC.

Territory Description

The following described lands located in portions of Section 33, Township 18, Range 26, Lake County, Florida:

Section 33

West 1/2 of the Northwest 1/4 and the North 1184 feet of the East 3/4 of the Northwest 1/4 of Section 33, Township 18, Range 26

ALSO:

Begin at the intersection of the West line of Section 33, Township 18 South, Range 26 East, Lake County, and the center line of grantor's former Astor Branch main track, thence Easterly along the center line of said former main track the width of 50 feet on each side thereof, a distance of 665 feet more or less, to the intersection of the East line of the West 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 33; containing 1.52 acres more or less, the foregoing being all or part of the same premises acquired by grantor herein by virtue of deeds dated August 23, 1883, recorded February 5, 1892, in Book 15, page 229, December 18, 1883, recorded February 5, 1892, in Book 15, page 230, Public Records of Lake County, Florida.