

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for staff-assisted rate case in  
Lake County by Raintree Utilities, Inc.

DOCKET NO. 070627-WU  
ORDER NO. PSC-08-0764-FOF-WU  
ISSUED: November 18, 2008

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman  
LISA POLAK EDGAR  
KATRINA J. McMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

ORDER APPROVING RELEASE OF ESCROWED FUNDS

BY THE COMMISSION:

BACKGROUND

Raintree Utilities, Inc. (Raintree or Utility) is a Class C water utility providing service to approximately 124 customers in Lake County. The Utility has two distinct service areas which include the Raintree Harbor and Bentwood subdivisions. At this time, Raintree does not have any customers connected to its Bentwood water system. Wastewater service is provided through septic tanks. According to Raintree's 2006 Annual Report, the Utility reported operating revenues of \$45,950 and a net operating income (loss) of \$600.

On September 27, 2007, Raintree filed an application for a staff assisted rate case in this docket. The official filing date was established as November 23, 2007. In its application, Raintree requested authority to increase its plant capacity charge from \$800 to \$2,900. By Order No. PSC-07-0981-PCO-WU, issued December 10, 2007, we approved a temporary plant capacity charge of \$2,900, subject to refund with interest pending the determination of final rates and charges in this proceeding.

By Order No. PSC-08-0483-PAA-WU (PAA Order), issued July 25, 2008, we approved a \$2,600 plant capacity charge. The PAA Order was consummated by Order No. PSC-08-0573-CO-WU, issued September 4, 2008. We have verified that the Utility only collected one plant capacity charge of \$2,900, of which \$2,100 was deposited in the escrow account. The Utility had an approved charge of \$800 prior to the temporary plant capacity charge of \$2,900, so only the difference was deposited into the escrow account. The \$2,900 plant capacity charge was paid by M/I Homes of Lake County, LLC. The disposition of the escrow account established by Order No. PSC-07-0981-PCO-WU should have been addressed in staff's proposed agency action (PAA) recommendation filed on June 19, 2008, for this docket. Staff inadvertently failed to include a recommendation on the disposition of the escrow account.

DOCUMENT NO. DATE

10730-08 11/18/08  
FPSC - COMMISSION CLERK

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This order addresses the release of the escrow account. We have jurisdiction pursuant to Sections 367.0814, 367.101, and 367.121, Florida Statutes.

RELEASE OF ESCROWED FUNDS

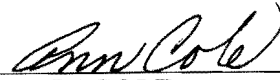
As stated above, Commission staff inadvertently did not address the disposition of the escrow account in its PAA recommendation filed on June 19, 2008. We have verified that the Utility only collected one plant capacity charge of \$2,900, of which \$2,100 was deposited in the escrow account. The \$2,900 charge was paid by M/I Homes of Lake County, LLC (M/I Homes). We also verified that Raintree has made the appropriate refund to M/I Homes. Therefore, we find that the escrow account funds shall be released to Raintree and the escrow account shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that escrow account funds shall be released to Raintree Utilities Inc., and the escrow account shall be closed. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 18th day of November, 2008.



ANN COLE

Commission Clerk

Due to the unavailability of the originally-signed order, the Commission Clerk resigned this order on 03/19/10 from the electronic transmission copy.

( S E A L )

JEH

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

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.

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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, 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.