

Commissioners
JULIA L. JOHNSON, CHAIRMAN
SUSAN F. CLARK
J. TERRY DEASON
JOE GARCIA
DIANE K. KIESLING



DIVISION OF RECORDS &
REPORTING
BLANCA S. BAYO
DIRECTOR
(904) 413-6770

Public Service Commission

ORIGINAL
FILE COPY

February 26, 1997

Mr. F. Marshall Deterding
Rose Sundstrom and Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, Florida 32301

Re: Escrow Account No. 1570368708 for Forest Hills Utilities, Inc. (Docket No. ~~961475~~ 961475-SU)

Dear Mr. Deterding:

Enclosed are the following:

- Corporate Resolution and Incumbency Certificate for Deposit Accounts,
- Interest-on-Checking Eligibility Certification Statement,
- Business Signature Card, and
- Escrow Agreement.

As Ms. Bayo's designee during times that she is away from the office, I have signed each of these documents. Please forward them to Barnett Bank for further handling.

ACK _____ In keeping with the arrangement you and Commission staff worked out with Ms.
AFA _____ Bayo, I will send to the bank an authorization for release of money from the escrow account
APP _____ upon receipt of each month's bill for bulk service from Pasco County.

CAF _____
CMU _____ Please advise if there is anything further I should do with regard to this matter.

CTR _____ Sincerely,

ENG _____
LEJ _____
LH _____

Kay Flynn
Kay Flynn, Chief
Bureau of Records

Enclosure

cc: Blanca S. Bayo
Tim Vaccaro
WAS _____ Eric Groom
OTH _____ Docket File No. 961475-SU

DOCUMENT NUMBER DATE

961475-SU FEB 26 1997

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ORIGINAL
FILE COPY

February 26, 1997

Mr. F. Marshall Deterding
Rose Sundstrom and Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, Florida 32301

Re: Escrow Account No. [REDACTED] for Forest Hills Utilities, Inc. (Docket No. [REDACTED]-SU)

Dear Mr. Deterding:

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APP _____ upon receipt of each month's bill for bulk service from Pasco County.

CAF _____
CMH _____ Please advise if there is anything further I should do with regard to this matter.

CTR _____ Sincerely,

EAG _____
LEG _____
[Signature]

[Signature]
Kay Flynn, Chief
Bureau of Records

Enclosure

cc: Blanca S. Bayó
Tim Vaccaro
Eric Groom
Docket File No. 961475-SU

WAS _____
OTH _____

DOCUMENT NUMBER DATE

02461 FEB 26 5

A MESSAGE FROM ^{9/11/05-SU}

~~Tim Vaccaro~~

~~Eric Groom~~

~~OK T.V.~~

A LIFESAVER!

LAW OFFICES
ROSE, SUNDBTROM & BENTLEY, LLP
2548 BLAIRSTONE PINES DRIVE
TALLAHASSEE, FLORIDA 32301

(904) 877-8666

CHRIS H. BENTLEY, PA.
JENNIFER S. BRUBAKER
F. MARSHALL DETERING
BRIAN L. GOSTER
MARTIN S. FRIEDMAN, PA.
JOHN R. JENKINS, PA.
STEVEN T. MINDLIN, PA.
ROBERT M. C. ROSE
DAREN L. SHEPPY
WILLIAM E. SUNDBTROM, PA.
DIANE D. TREMOR, PA.
JOHN L. WHARTON

MAILING ADDRESS
POST OFFICE BOX 1967
TALLAHASSEE, FLORIDA 32302-1967
TELECOPIER (904) 898-4028

February 24, 1997

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida

Re: Forest Hills Utilities, Inc.; Docket No. 961475-SU
Application for Limited Proceeding
Our File No. 29062.02

Dear Ms. Bayo:

In accordance with the requirements of Commission Order No. PSC-97-0207-POP-SU recently issued in the above referenced case and pursuant to my discussions with the Commission Staff and their subsequent discussions with you, I am attaching the original executed escrow agreement, signature card, resolutions, and interest on checking eligibility form, along with the transmittal letter from Mr. Edwin Hancock of Barnett Bank. Each of these documents needs to be executed by you and returned to Mr. Hancock at the address noted on his letterhead. Please retain a copy for your records and provide one to me after your execution of each document on the line noted.

In accordance with my verbal agreement with the Staff, which I understand you accepted, the Utility will forward each monthly bill for bulk service from Pasco County on to you for your review. You will immediately send a short note authorizing release equal to the amount of the bill on to Mr. Hancock at Barnett Bank. If you do not wish to fax that directly to Mr. Hancock, I will gladly pick up a copy of the authorization and fax it from our office to ensure that he has that authorization immediately after presentation of the bill.

I appreciate your assistance in this regard to ensure that we are able to timely pay the County and to satisfy the requirements of the bank in this somewhat unusual situation. I anticipate that, barring a protest of the Commission's PAA order to be issued in approximately three months, this should require you to send such authorizations only approximately three to four times.

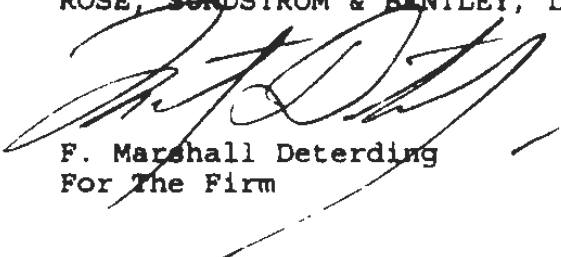
RECEIVED
FEB 24 1997
RECORDS REPORTING

Blanca S. Bayo, Director
February 24, 1997
Page 2

If you have any questions in this regard or I can be of any assistance, please let me know.

Sincerely,

ROSE, SUNDSTROM & BENTLEY, LLP



F. Marshall Deterding
For The Firm

FMD/lts
Enclosures

cc: Mr. Robert L. Dreher
Robert C. Nixon, CPA
Mr. Gary Deremer
Mr. Edwin Hancock



Barnett Bank, N.A., Pasco County

Post Office Box 1055
New Port Richey, Florida 34656-1055
813/847-7211

February 21, 1997

Rose, Sundstrom & Bentley, LLP
Mr. F. Marshall Deterding
2548 Blairstone Pines Blvd.
Tallahassee, Florida 32301

RE: Forest Hills Utilities, Inc. and
Florida Public Service Commission

Dear Mr. Deterding:

Enclosed please find the necessary documentation needed to execute the account for Forest Hills Utilities. Enclosed please find a signature card, resolutions, the Escrow Agreement, and Interest on Checking eligibility form. Please have Ms. Bayo signs these forms and return to the Bank as soon as possible. Upon receipt of the above mentioned forms the account will be activated.

It was noted in the Escrow Agreement that a withdrawal would be requested monthly, the request could be done by faxed if convenient, our fax number is 813 847 7246.

Sincerely,

A handwritten signature in black ink, appearing to read "Edwin C. Hancock".

Edwin C. Hancock
Vice President/Office Mgr.
Trouble Creek Office



CORPORATE RESOLUTION AND INCUMBENCY CERTIFICATE FOR DEPOSIT ACCOUNTS

Account # [redacted] Tax ID # 591273138

To: Barnett Bank, N.A., Pasco County
its holding company Barnett Banks, Inc. and Barnett Banks, Inc.'s affiliates, subsidiaries and service corporations ("Barnett", meaning each entity jointly and severally).

I certify that at a meeting of the Board of Directors/Trustees of **FOREST HILLS UTILITIES INC**
CORPORATION NAME

1510 U S HWY 19, GULFPORT, FL 34601-0049
ADDRESS OF PRINCIPAL PLACE OF BUSINESS

a corporation duly organized and existing under the laws of the State of **FLORIDA** (Corporation) held on

SEPTEMBER 21, 19 **97**, a quorum being present and participating throughout, the following resolutions were adopted:

Resolved:

1. That Barnett is hereby designated as a depository of this Corporation subject to the rules and regulations set forth in the signature card, agreements and brochures of Barnett, and amendments thereto, and that the officers of this Corporation or any of them are hereby authorized to open a bank account or accounts with Barnett, for and in the name of this Corporation, and to deposit with Barnett in the account(s) from time to time any and all checks, notes, drafts, bills of exchange, monies, acceptances, orders and other items of any kind.

2. That any one of the following persons:

ROBERT L. DREHER **BLANCA BAYO - FLORIDA PUBLIC SERVICE COMMISSION**

is hereby authorized to sign (either by actual or facsimile signature) any and all checks, drafts, notes, acceptances, bills of exchange, orders or other instruments for the withdrawal of any and all monies, credits, items and property at any time held by Barnett for account of this Corporation. Barnett shall be entitled to honor as genuine, and shall be indemnified and held harmless by this Corporation against any and all loss, cost, damage or expense suffered or incurred by Barnett resulting from or arising out of the payment of all instruments bearing the purported facsimile signatures of officers or agents of this Corporation authorized in this resolution, even though the facsimile signatures are actually utilized without authority.

3. That Barnett is hereby authorized to pay or cash any instruments payable to or held by this Corporation when endorsed as provided herein, and also to receive the same for credit to the account of or in payment from the payee or any other holder (including any officer of this Corporation), without inquiry as to the circumstances of issue or endorsement thereof, or the disposition of the proceeds even if drawn, endorsed or payable to cash, bearer or to the individual order of any signing officer or tendered in payment of his individual obligation.

4. That endorsements on behalf of this Corporation upon any and all commercial paper of any kind deposited by or on behalf of this Corporation with Barnett for credit or for collection or otherwise may be made by any one of the foregoing officers, or by rubber stamp.

5. That any of the foregoing powers or authorizations executed prior to the date hereof in connection with any bank account or accounts heretofore opened with Barnett and remaining opened as of the date hereof are hereby ratified and confirmed, and that all prior authorizations in conflict herewith are hereby revoked except as to acts performed prior to the effective date hereof.

6. That all authorizations contained herein shall continue in full force and effect until revoked or modified by written notice actually received by Barnett, setting forth a resolution to that effect stated to have been adopted by the Board of Directors of this Corporation and signed by the secretary or the assistant secretary of this Corporation; and Barnett is hereby authorized and directed to rely at all times upon the last resolution of which Barnett has actual written notice as to the authorization contained therein and as to the persons who from time to time are its officers, and their signatures, when such notice is signed by one purporting to be the secretary or assistant secretary of this Corporation.

7. That for a period of 3 business days after actual receipt of written notice by Barnett of a revocation or modification of the authorizations contained in this resolution, Barnett is authorized to honor as genuine, and shall be indemnified and held harmless by this Corporation against any and all loss, cost, damage or expense suffered or incurred by Barnett resulting from or arising out of the payment of, any instruments bearing the signature or endorsement or the purported facsimile signature or endorsement of any officer or agent of this Corporation authorized by this resolution to sign or endorse such instruments, even though such authorization has been revoked or modified by this Corporation.

I hereby certify that the foregoing is a true and correct copy of the resolutions duly adopted at the meeting of the Board of Directors/Trustees aforesaid or approved without a meeting by unanimous consent of all of the Board of Directors/Trustees, that said resolutions have not been in any way modified, amended, rescinded or annulled and are now in full force and effect; that the resolutions have been entered upon the minute book of this Corporation; and that the resolutions are in conformity with and are not contrary to or in conflict with any provision of the Articles of Incorporation of this Corporation and are in accordance with the provisions of the Code of Regulations and/or By-Laws of this Corporation, however, if the Articles of Incorporation, Code of Regulations and/or By-Laws are contrary to or in conflict with this Resolution, then this Resolution will control.

I further certify that the following persons, whose genuine signatures appear below, are officers of this Corporation in the capacity set forth opposite their respective signatures, to-wit:

NAME (Print or Type)
ROBERT L. DREHER
FOREST HILLS UTILITIES INC
VICE-PRESIDENT
SECRETARY
TREASURER
BLANCA BAYO
FLORIDA PUBLIC SERVICE COMMISSION

OFFICIAL SIGNATURE
<i>Robert L. Dreher</i>
<i>Kay Slegon Chief of Records, for Blanca Bayo</i>

In witness whereof, I have hereunto subscribed my name and affixed the corporate seal, this _____ day of _____, 19 _____.

INCORPORATED

Seal of Corporation



**INTEREST-ON-CHECKING ELIGIBILITY
CERTIFICATION STATEMENT**

BARNETT BANK OF PASCO COUNTY	OFFICE TROUBLE CREEK
ACCOUNT NAME FOREST HILLS UTILITIES INC AND FLORIDA PUBLIC SERVICE COMMISSION BARNETT BANK NA PASCO CTY ESCROW AGENT	ACCOUNT NUMBER [REDACTED]

Federal regulations allow certain entities to maintain a Negotiable Order of Withdrawal (NOW) account or an interest-bearing checking account, which includes Barnett's Interest-On-Checking and Money Market Checking products. Eligible entities include individuals, sole proprietors or individuals doing business under a trade name, and not-for-profit organizations operated primarily for religious, philanthropic, charitable, educational, political or other similar purposes. Additionally, accounts established for the beneficial interest of eligible entities (listed above), such as certain pension funds, escrow accounts, security deposits and other agency agreements, may be eligible.

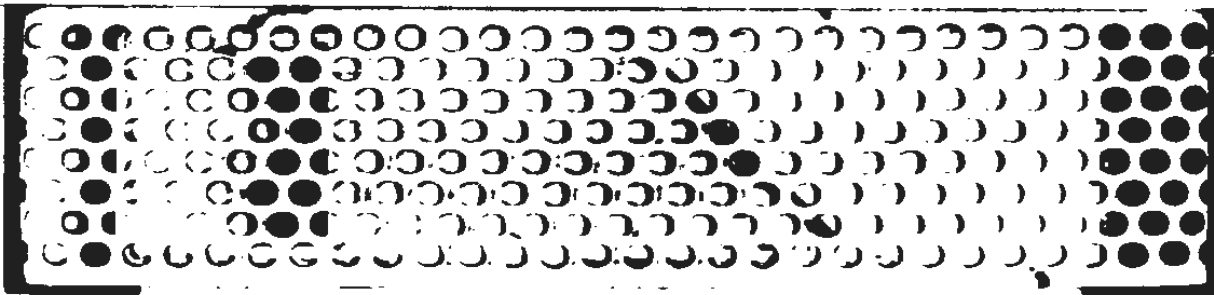
This is to certify that the account listed above is eligible to maintain an interest-bearing checking account because entire beneficial interest of the account is held by (describe):

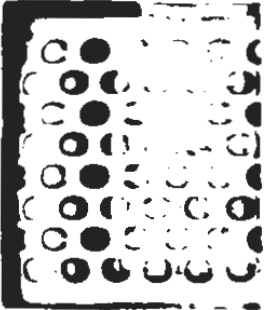
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AUTHORIZED SIGNER <i>Robert L. Dreher</i>	ROBERT L DREHER FOREST HILLS UTILITIES INC	DATE 9/21/97
TITLE <i>Kay Flynn, Chief of Records, for</i>	BLANCA BAYO—FLORIDA PUBLIC SERVICE COMMISSION	

CW

186-038 1293





BUSINESS SIGNATURE CARD

FOREST HILLS UTILITIES INC AND
FLORIDA PUBLIC SERVICE COMMISSION
BARNETT BANK BA PASCO CTY ESCROW AGENT
1518 U S HWY 19

02/21/97

Branch 051 / 005

Business Address FL 34491-5440

Business Phone 813-327-7457

Drivers License Number

State HI Height 5' 0" Weight 145 M/F MALE

Second ID

Check Systems

Sic Code 8000

Opening Deposit 0.00

Office 000011/000067

Opened By

Approved By

Resolution on file? Yes No

NOW Eligibility Code: NOW FORM



Account #

BSN/TIN

591273138

TEMPORARY
CARD
ISSUED

By:

FOREST HILLS UTILITIES INC AND

Robert L. Dreher

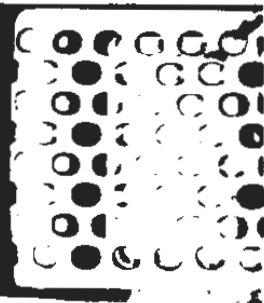
ROBERT L. DREHER

Blanca Bayo

BLANCA BAYO

*Depositor(s) signing above acknowledge(s) receipt of and agree(s) to the Rules and Regulations of the Bank for the account, including but not limited to the Depositor's Agreement contained within Barnett Bank's Welcome Brochure *

Under penalty or perjury, I certify (1) that the number shown on this card is my correct taxpayer identification number, and (2) that I am not subject to backup withholding either because I have not been notified that I am subject to backup withholding as a result of a failure to report all interest or dividends, or the Internal Revenue Service has notified me that I am no longer subject to backup withholding (Instruction to signer: you have been notified by IRS that you are subject to backup withholding due to notified payee underreporting and you have not been notified that the backup withholding is terminated, you must strike out the language in clause 2 above.)
Signature *Robert L. Dreher* Date *2/21/97*



ESCROW AGREEMENT

BARNETT BANK NA

THIS ESCROW AGREEMENT is made by and between PASCO COUNTY Bank (the "Bank"), the Florida Public Service Commission ("FPSC"), and Forest Hills Utilities, Inc. (the "Utility"), a Florida corporation, upon the following terms, conditions and considerations:

W I T N E S S E T H:

WHEREAS, by action of the FPSC in Docket No. 961475-SU at its Agenda Conference held on February 4, 1997, the FPSC authorized the Utility to collect increased rates on an emergency basis from its customers, and;

WHEREAS, as a condition of such authority, the FPSC required that the Utility provide security for the excess of the emergency rates over the previously approved rates in the event that a refund should become necessary, and;

WHEREAS the Bank has agreed to hold such funds in an interest bearing account, the parties agree as follows:

1. The foregoing representations are true and correct.
2. An order of the FPSC reflected its February 4 1997 decision and requiring this security will be issued on approximately February 24, 1997. That order will be provided to the Bank within 20 days of issuance and before the first deposit or request for withdrawal is made.
3. The Utility shall open a joint interest bearing escrow account. The total excess of the revenues generated by the emergency rates over those previously in existence for the Utility shall be deposited by the Utility in accordance with the requirements of the FPSC Order to be issued in Docket No. 961475-SU.
4. The escrow account shall bear interest at the prevailing 1.005 rate which currently is at 1.01 Annual Percentage Yield, which is a variable rate.
5. The Utility is authorized to withdraw funds from this account for the purpose of paying bulk service wastewater charges to Pasco County. Each month after receipt of the bill for bulk wastewater service charges from Pasco County, the Utility will provide that bill to the Clerk of the Florida Public Service Commission. The Clerk will then immediately forward to the Bank a statement authorizing the bank to release funds from the escrow account in an amount equal to the amount of the bill from Pasco County for such bulk services. To the extent the funds on deposit in the escrow account are less than the amount of any bill for bulk service presented by the Clerk to the Bank (and therefore less than the amount of the authorization from the Clerk), the Bank shall release all funds available in the escrow account and the Utility will be responsible for securing the remaining funds for payment of the bills from Pasco County from other sources.
6. No funds will be withdrawn from the escrow account, other than those authorized under Paragraph 5 above, without the signature of both the Director of the Division of Records and Reporting of the FPSC and the Receiver of the Utility.

Signature cards executed by the Director of the Division of Records and Reporting of the FPSC and the Receiver of the Utility shall designate the appropriate authorized signature for each.

7. The Bank shall forward regular monthly statements (including canceled checks) to the Receiver and shall mail a copy of the monthly account statement to the FPSC.
8. The Bank may, without reason, withdraw from this Agreement upon thirty (30) days written notice to the FPSC and to the Utility.
9. The Utility shall indemnify and hold the Bank harmless from any claim, demand or loss suffered by the Bank, and the cost thereof (including court costs and attorney fees for negotiation, trial and appeal).
10. This escrow account is established pursuant to the FPSC decision reached in Docket No. 961475-SU at its February 4, 1997 Agenda Conference for the benefit of the Utility's customers.
11. The balance of funds remaining in the Escrow Account shall be disposed of in accordance with the Commission's final order issued in Docket No. 961475-SU immediately after issuance and the account closed thereafter.
12. Information concerning the escrow account shall be available from the Bank to the FPSC and its representatives at all times.
13. Pursuant to Cogentino v. Elson, 263 So.2d 253 (Fla. 3rd DCA 1972), escrow accounts are not subject to garnishment.

THIS AGREEMENT shall become effective and binding upon all parties upon the date that it becomes executed by all parties.

FOREST HILLS UTILITIES, INC.

BY: Robert Dreher

Robert Dreher, President

BARNETT BANK NA

PASCO COUNTY BANK

(Corporate Seal)

BY: Edwin C. Hancock

EDWIN C. HANCOCK, V.P.

(Corporate Seal)

FLORIDA PUBLIC SERVICE COMMISSION

BY: Kary DeLeon, Chief of Records for
Director, Records & Reporting

BLANCA BAYO

(Seal)

foresthills\escrow.agr