



Public Service Commission ORIGINAL

-M-E-M-O-R-A-N-D-U-M-

DATE: May 11, 1998
TO: Commissioner Joe Garcia, Prehearing Officer
FROM: Ralph R. Jaeger, Division of Legal Services *R. Jaeger*
RE: Docket No. 971621-WS - Application for amendment of Certificates Nos. 355-W and 311-S to include additional territory in Marion County by Rainbow Springs Utilities, L.C.

In December 1997, Rainbow Springs Utilities published notice of its intent to amend its certificate to include additional territory. Subsequent to that notice, the Commission received approximately 400 letters of protest from apparently those residents of Rainbow Springs living in the areas known as "The Forests" and "The Woodlands."

The Village of Rainbow Springs Homeowners Association, representing those areas, also protested and hired counsel to represent them. Subsequent to that protest, a Prehearing Conference and Hearing were scheduled for July 13, 1998, and August 6, 1998, respectively. The Homeowners Association was granted intervenor status by Order No. PSC-98-0357-PCO-WS.

By letters sent to all protestors, staff asked if the protestors wanted to be considered as intervenors. The staff gave the residents a date certain in which to respond, and, absent any response, advised the protestors that the Homeowners Association would be the only protestor who would be given party status. A few customers responded that they would be represented by the Homeowners Association. Other than those responses, no other responses have been received, and the time given in the letters for filing such has expired.

Pursuant to negotiations with the Homeowners Association, the utility filed a notice of restrictive amendment to its application deleting the areas known as "The Woodlands" and "The Forests." This restrictive amendment was made contingent upon the Commission recognizing that this resolved all protests and obviated the need for a hearing.

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

On May 8, 1998, the Homeowners Association and the utility filed a Joint Stipulation and Settlement Agreement wherein the Homeowners Association has agreed to withdraw its protest. The withdrawal is conditioned on certain language being placed in the Order granting the amendment of certificate. The utility has agreed to the inclusion of that language in the Order. Therefore, it appears that a settlement has been reached, and there is no need for a hearing.

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Based on this withdrawal and the utility having deleted the territory encompassing the areas known as "The Woodlands" and "The Forests," staff requests that the Prehearing Conference and Hearing scheduled for July 13, 1998, and August 6, 1998, be canceled. Staff will prepare a recommendation addressing the utility's application and the proposed settlement for the July 21, 1998 Agenda Conference. I have attached a memo from you to Chairman Johnson requesting the cancellation of the Prehearing Conference and Formal Hearing. If you have any questions, please call me.

RRJ/lw/dr

Attachment

cc: Division of Water and Wastewater (Hill, J. Williams, Messer, Crouch)
Division of Records and Reporting
Blanca Bayó

1971621ml nj



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: May 11, 1998
TO: Chairman Julia L. Johnson
FROM: Joe Garcia, Prehearing Officer
RE: Docket No. 971621-WS - Application for amendment of Certificates Nos. 355-W and 311-S to include additional territory in Marion County by Rainbow Springs Utilities, L.C.

In December 1997, Rainbow Springs Utilities, L.C. published notice of its intent to amend its certificate to include additional territory. Subsequent to that notice, the Commission received timely protests to the utility's application. Accordingly, a Prehearing Conference and Hearing were scheduled for July 13, 1998, and August 6, 1998, respectively.

After correspondence with the protestors, staff was able to determine that the only timely protest remaining was that of the Homeowners Association, and on May 8, 1998, the Homeowners Association and the utility filed a Joint Stipulation and Settlement Agreement wherein the Homeowners Association has agreed to withdraw its protest. Staff will prepare a recommendation for the July 21, 1998 Agenda Conference which will address the utility's application and this joint settlement agreement. Therefore, please cancel the Prehearing Conference and Hearing scheduled for July 13, 1998, and August 6, 1998.

JG/BLR/dr

cc: Commissioner J. Terry Deason
Commissioner E. Leon Jacobs
Bill Talbott, Executive Director
Dr. Mary Bane Deputy, Executive Director
Division of Water and Wastewater
(Hill, J. Williams, Messer, Crouch, Starling, Redemann)
Division of Legal Services (Jaeger)
Division of Records and Reporting
Blanca Bayó