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REPLY TO ALTAMONTE SPRINGS

January 21, 2004

HAND DELIVERY

MARTIN S. FRIEDMAN, P.A.  
VALERIE L. LORD

RECEIVED  
COMMISSION  
CLERK

JAN 24 AM 10: 4

Ms. Blanca Bayo  
Commission Clerk and Administrative Services Director  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Re: Docket No. 050028-WU; Amended Application of Raintree Utilities, Inc., for amendment of water certificate to extend territory in Lake County, Florida  
Our File No.: 39048.01

Dear Ms. Bayo:

Enclosed for filing are the original and fifteen (15) copies of the Amended Application of Raintree Utilities, Inc., for authority to transfer water system and to provide service, and for amendment of water certificate to extend territory in Lake County, Florida. Also, enclosed is this firm's check in the amount of \$950.00 representing the appropriate filing fee for the Amended Application.

Should you have any questions regarding this filing, please do not hesitate to give me

CMP \_\_\_\_\_ a call.

COM \_\_\_\_\_

CTR \_\_\_\_\_

ECR \_\_\_\_\_

GCL \_\_\_\_\_

OPC \_\_\_\_\_

MMS \_\_\_\_\_

RCA \_\_\_\_\_ VLL/tlc

SCR \_\_\_\_\_ Enclosures

SEC 1 cc: Mr. Fred Brown (w/enclosure)

JTH \_\_\_\_\_

Check received with filing and forwarded to Fiscal for deposit. Fiscal to forward deposit information to Records.

Initials of person who forwarded check:

Very truly yours,

VALERIE L. LORD  
For the Firm

M:\N1 ALTAMONTE\RAINTREE UTILITIES, INC\NPS Clerk (Bayo) 02.ltr.wpd

DOCUMENT NUMBER-DATE

00798 JAN 24 08

FPSO-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of  
RAINTREE UTILITIES, INC.  
for authority to transfer water system and  
and to provide service, and for amendment  
of Certificate No. 539-W to add territory  
in Lake County, Florida

Docket No. 050028-WU

**AMENDED APPLICATION FOR AUTHORITY TO TRANSFER WATER SYSTEM AND TO  
PROVIDE SERVICE, AND FOR AMENDMENT OF WATER CERTIFICATE NO. 539-W**

RAINTREE UTILITIES, INC. ("Applicant"), by and through its undersigned attorneys, and pursuant to Sections 367.045(2), 367.071(1) and 367.0822, Florida Statutes, and Rule 25-30.036, Florida Administrative Code, files this Amended Application for authority to transfer a non-regulated water system located in Lake County, Florida, more fully described in Exhibit "A" ("Transfer Area"), and to provide water service to customers within the Transfer Area on the basis of its Commission-approved tariff, and to amend Water Certificate No. 539-W to add territory to its certificated water service area to provide service to a new residential development ("New Development"), more fully described in Exhibit "A", in Lake County, Florida, and in support thereof states:

1. The exact name of the Applicant and the address of its principal business office are:

Raintree Utilities, Inc.  
2100 Lake Eustis Drive  
Tavares, FL 32778  
Telephone: (352) 343-6677

2. The name and address of the person authorized to receive notices and communications in respect to this application is:

DOCUMENT NUMBER-DATE

00798 JAN 24 13

FPSC-COMMISSION CLERK

Martin S. Friedman, Esquire  
Valerie L. Lord, Esquire  
Rose, Sundstrom & Bentley, LLP  
600 S. North Lake Boulevard, Suite 160  
Altamonte Springs, FL 32701  
(407)830-6331  
(407)830-8522 fax

2. The purpose of this Application is (A) to request the Commission's approval of the proposed acquisition by the Applicant of a non-regulated water system in the Transfer Area, located in Lake County, Florida, currently serving 39 residential customers, and for authority to provide water service to the 39 customers on the basis of its Commission-approved tariff; and (B) to add the New Development, also located in Lake County, to its certificated service area to provide water service to 100 to 103 customers there. The Applicant has entered into an agreement with RTG Properties, a non-regulated entity, to acquire its existing water facilities, and to provide water service to 39 residential customers in the Transfer Area. These facilities are adjacent to the New Development. Shamrock Homes, Inc., a related party, has requested that the Applicant provide water service to the New Development. The Applicant proposes to serve the 39 customers in the Transfer Area, and 100 to 103 new single family homes in the New Development, on the basis of its Commission-approved tariff. The Transfer Area and the New Development are hereinafter collectively referred to as the "Proposed Service Area".

3. As required by Rule 25-30.036, the Applicant provides the following information:

- (a) The Applicant's complete name and address are as set out above.
- (b) The Applicant has both the financial and technical ability to provide

water service to the Proposed Service Area. The Applicant was first certificated by the Commission in Order No. PSC-92-0019-FOF-WU, issued March 10, 1992. Attached as Exhibit "C" is a copy of the financial section from the Applicant's 2003 Annual Report. The Applicant plans to use the facilities acquired from RTG Properties and the water system to be constructed by Shamrock Homes, Inc. and contributed to the Applicant to provide service to the Proposed Service Area.

(1) Shamrock Homes, Inc., the developer of the New Development, is a related party. Shamrock Homes, Inc. proposes to contribute to the Applicant all of the required land, equipment and materials for the water distribution system to be constructed in the New Development. Pursuant to the Transfer Agreement, the Applicant will acquire from RTG Properties all of RTG's existing water system, including the land, wells, lines and equipment, which currently provides water service to RTG's customers in the Transfer Area. The Applicant plans to upgrade the existing water system and utilize the water system to be constructed in the New Development to provide improved water service to all customers in the Proposed Service Area.

(2) Plant Technicians, Inc. provides technical and testing work to the Applicant's existing operations. Its laboratory certificate number is E83141. Its lead operator, Mr. Jim Branham, operates the Applicant's existing facilities. His license number is 4723C. Utility Technicians, Inc. provides meter reading and billing services to the Applicant's existing operations. Plant Technicians, Inc. and Utility Technicians, Inc. will provide service to the Applicant's water facilities in the Proposed Service Area.

(3) There are no outstanding Consent Orders or Notices of Violation

from the Department of Environmental Protection against the Applicant.

(c) To the best of the Applicant's knowledge, the provision of service to the Proposed Service Area is consistent with the water provisions of the Lake County Comprehensive Plan, as approved by the Department of Community Affairs, as of the date of filing this Application.

(d) Evidence that the Applicant will own the land on which the treatment facilities that will serve the Proposed Service Area are located is attached as Exhibit "B". In addition, Shamrock Homes, Inc. will contribute the water system to be constructed in the New Development to the Applicant.

(e) A description of the Transfer Area and the New Development, using township, range and section references is attached as Exhibit "A".

(f) A copy of the detailed system map showing the lines, treatment facilities and the Proposed Service Area is attached as Exhibit "D".

(g) Not Applicable

(h) Not applicable

(i) A copy of the official Lake County tax assessment map or other map showing township, range and section, with a scale such as 1" = 200 ' or 1" = 400 ', with the Proposed Service Area plotted thereon by use of metes and bounds or quarter sections, and with a defined reference point of beginning is attached hereto as Exhibit "E".

(j) A statement describing the capacity of the existing lines, the capacity of the treatment facilities, the design capacity of the proposed extension, the current peak and max/day flows of the facilities and the anticipated demand by customers in the

Proposed Service Area is attached as Exhibit "F".

(k) The Department of Environmental Protection issued permit number PWS ID#3354660 to the water system to be acquired from RTG Properties. The Department of Environmental Protection has not issued any permits for the water system to be constructed in the New Development at this time. The water system to be acquired from RTG Properties does not have a Consumptive Use Permit from the St. Johns River Water Management District. The Applicant will apply for a consumptive use permit. All relevant permit numbers will be provided when issued.

(l) The Applicant does not intend to finance the construction. The consideration for the transfer of the existing water facilities is \$1.00 and the Applicant's agreement to provide water service to RTG's existing customers in the Transfer Area. All components of the water system for the New Development will be contributed to the Applicant by a related party, Shamrock Homes, Inc. There will not be any material impact on the Applicant's capital structure.

(m) The Applicant proposes to provide service to 139 to 143 single family homes.

(n) The Applicant does not anticipate that there will be any impact on its current monthly rates and service availability charges. The addition of new customers will allow additional economies of scale which will benefit existing customers and permit the Applicant to continue to operate under its existing Commission-approved rate structure.

(o) Attached as Exhibit "G" to this Application are the original and two copies of the revised water tariff sheets reflecting the addition of the Proposed Service Area.

Copies of the revised tariff sheets are attached to each copy of the Application.

(p) Original Water Certificate No. 539-W is attached hereto as Exhibit "H".

(q) The Applicant's rates were last established in 1992 pursuant to Order No. PSC-92-0019-FOF-WU. They were not changed when the Applicant's Application for Transfer of Majority Organizational Control was approved on April 28, 2000 in Order No. PSC-00-0843-FOF-WU.

(r) Attached hereto as Exhibit "I" is an Affidavit that the Applicant has on file with the Commission a tariff and current annual report.

4. As required by Rule 25-30.037, the Applicant provides the following information:

(a) The complete name and address of the Seller is:

RTG Properties  
P.O. Box 120374  
Clermont, Florida 34712

(b) Please refer to Paragraph 1 above. The Applicant is the Buyer.

(c) The Applicant is a Florida corporation.

(d) The names and addresses of the directors, officers and shareholder of the Applicant are as follows:

Keith J. Shamrock, President, Director and sole shareholder  
2100 Lake Eustis Drive, Tavares, Florida 32778

Fred Brown, Vice President  
2100 Lake Eustis Drive, Tavares, Florida 32778

(e) The Applicant was incorporated in the State of Florida on December 21, 1987.

(f) The Applicant is a regulated water utility with operations in Lake County, Florida.

(g) A true and correct copy of the Transfer Agreement between the Applicant and RTG Properties is attached hereto as Exhibit "B".

(h) There are no customer deposits, developer agreements, customer advances, debt of the Seller or leases to dispose of in the Transfer Agreement.

(i) **The Applicant does not intend to finance the purchase.** The consideration for the transfer of the existing water facilities is \$1.00 and the Applicant's agreement to provide water service to customers in the Transfer Area. All components of the water system to be constructed in the New Development will be contributed to the Applicant by a related party, Shamrock Homes, Inc.

(j) The transfer is in the public interest for the following reasons:

(1) **The Applicant will be able to provide improved water service to the customers in the Transfer Area because they will benefit by the Applicant's proposal to upgrade the water system, utilize the water system to be constructed in the New Development, and the use of a qualified operator to operate the water system.**

(2) Shamrock Homes, Inc. has requested that the Applicant provide water service to the New Development.

(3) To the best of the Applicant's knowledge, there is no other utility in the area that is willing or capable of providing such service to the New Development.

(4) The addition of the Proposed Service Area is not intended to, nor will it, affect the type or quality of service provided by the Applicant to the Applicant's



existing customers. The addition of the Transfer Area and the New Development will not interrupt, curtail or otherwise affect the provision of water service to the Applicant's existing customers.

(5) The Applicant has been providing water service since 1987. It was originally granted a small system exemption by the Commission in Order No. 18131, issued September 8, 1987. The Commission issued original Water Certificate No. 539-W in Order No. PSC-92-0019-FOF-WU. As stated in Paragraph 3(b) above, The Applicant has both the financial and technical ability to provide water service to the Transfer Area and the New Development.

(6) The Seller is a non-regulated utility. The Applicant will fulfill the commitments, obligations and representations of the Seller with regard to utility matters, to the extent that they exist.

(k) N/A

(l) The proposed net book value of the water system in the Transfer Area as of the date of the proposed transfer is \$1.00.

(m) N/A

(n) N/A

(o) The Seller has never charged its customers for water service, therefore has never had any income to report. The Applicant determined that it was not relevant to inspect the federal income tax returns of the Seller from the date the Seller was first established.

(p) The Applicant has inspected the water system and it appears to be in

satisfactory condition and in compliance with all applicable standards set by the Department of Environmental Protection, except as specified in Exhibit "F".

(q) Please refer to Exhibit "B".

(r) The Seller is a non-regulated entity. Therefore, there are no outstanding regulatory assessment fees, fines or refunds owed.

(s) Please refer to Exhibit "G".

(t) Please refer to Exhibit "H".

6. As required by Rule 25-30.445, the Applicant provides the following information:

(a) The name of the Applicant as it appears on the Applicant's certificate and address of the Applicant's principal place of business is:

Raintree Utilities, Inc.  
2100 Lake Eustis Drive  
Tavares, FL 32778  
Telephone: (352) 343-6677

(b) The Applicant is a Florida corporation. The name and address of the sole shareholder is:

Keith J. Shamrock, 2100 Lake Eustis Drive, Tavares, Florida 32778

(c) Please refer to Paragraph 3(q) above.

(d) The application is available for customer inspection at the offices of the Applicant located at:

Raintree Utilities, Inc.  
2100 Lake Eustis Drive  
Tavares, FL 32778  
Telephone: (352) 343-6677

(e) Late Filed Exhibit “J” is the statement required by Rule 25-30.445(e).

(f) A detailed statement of the reasons for this limited proceeding is set out in Paragraph 2. This Application does not include an application for a rate increase.

6. Late Filed Exhibit “K” will be an Affidavit that the notice of actual application was given in accordance with Section 367.045(1)(a), Florida Statutes, and Rule 25-30.030, Florida Administrative Code, by regular mail to the following:

- (1) the governing body of the municipality, county or counties in which the system or territory proposed to be served is located;
- (2) the privately owned water utility that holds a certificate granted by the Public Service Commission and that is located within the county in which the utility or the territory proposed to be served is located;
- (3) if any portion of the proposed territory is within one mile of a county boundary, the utility shall notice the privately owned utilities located in the bordering counties and holding a certificate granted by the Commission;
- (4) the regional planning council;
- (5) the Office of Public Counsel;
- (6) the Public Service Commission’s Director of Records and Reporting;
- (7) the appropriate regional office of the Department of Environmental Protection; and
- (8) the appropriate water management district;

Copies of the Notice and a list of entities noticed accompanied the affidavit.

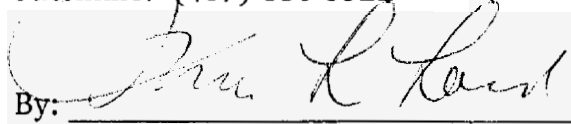
7. Late Filed Exhibit “L” will be the notice of actual application was given in accordance with Rule 25-30.030, Florida Administrative Code, by regular mail or personal delivery to each property owner in the Proposed Service Area.

8. Late Filed Exhibit "M" will be an affidavit that the notice of application was published once a week in a newspaper of general circulation in the territory in accordance with Rule 25-30.030, Florida Administrative Code. A copy of the proof of publication will accompany the affidavit.

9. The Proposed Service Area has the proposed capacity to serve between 100 and 200 ERC's, so the appropriate filing fee is \$1,150.00 (\$750.00 for the Section 367.071(1) application, \$200.00 for the Section 367.045(2) application, and \$200 for the Section 367.0822 application), \$950.00 of which is attached. The fee for the certificate amendment has already been submitted to the Commission.

Respectfully submitted on this 21<sup>st</sup> day  
of January 2005, by:

ROSE, SUNDSTROM & BENTLEY, LLP  
600 S. North Lake Boulevard  
Suite 160  
Altamonte Springs, Florida 32701  
Telephone: (407) 830-6331  
Facsimile: (407) 830-8522

By: 

MARTIN S. FRIEDMAN  
VALERIE L. LORD  
For the Firm

## EXHIBIT "A"

### DESCRIPTION OF PROPOSED SERVICE AREA, TRANSFER AREA AND NEW DEVELOPMENT

#### Proposed Service Area:

#### Township 19 South, Range 25 East

#### Section 2

A portion of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 2, Township 19 South, Range 25 East, Lake County, Florida, and a portion of the Southwest  $\frac{1}{4}$  of Section 2, Township 19 South, Range 25 East, Lake County, Florida, more particularly described as:

Begin at the Southwest quarter corner of the Southeast  $\frac{1}{4}$  of said Section 2, Township 19 South, Range 25 East, Lake County, Florida; thence run N18° 14' 43"W a distance of 335.91 feet to the Southeast corner of Silver Oaks Subdivision, recorded in Plat Book 28, Page 12, Public Records of Lake County, Florida. Thence run along the South, West, and North lines of the above mentioned subdivision for the following three courses: N89° 14' 01"W a distance of 546.47 feet; thence run N 00° 46' 28"E a distance of 1294.38 feet; thence run S89° 11' 16"E a distance of 546.67 feet to the West line of the East  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 2; thence run N00° 47' 01"E along said West line a distance of 8.52 feet to the southerly right-of-way of Poe Street per ORB 749, Page 347, Public Records of Lake County, Florida; thence run along said southerly right-of-way S89° 14' 22"E a distance of 625.67 feet; thence run N05° 49' 13"E a distance of 25.12 feet to the North Line of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 2; thence departing said southerly right-of-way, run S89° 15' 16"E along said North line a distance of 1039.47 feet to the East line of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 2; thence run S00° 48' 49"W along said East line a distance of 1327.55 feet to the South line of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 2; thence run N89° 15' 48"W along said South line a distance of 1,330.75 feet to the POINT OF BEGINNING. CONTAINING 66.69 ACRES, MORE OR LESS.

#### Transfer Area:

#### Township 19 South, Range 25 East

#### Section 2

A parcel of land situated in Section 2, Township 19 South, Range 25 East, Lake County, Florida, more particularly described as follows:

The West  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ ; and the East  $\frac{1}{2}$  of the West  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , LESS the West 125 feet thereof (per deed);

and more particularly described by metes and bounds as follows:

BEGINNING at the Southeast corner of the West  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{2}$  of Section 2, Township 19 South, Range 25 East, Lake County, Florida; thence South 89° 55' 36" West, along the South line of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 2, 547.55 feet; thence North 00° 03' 56" West 1327.39 feet to the centerline of County Road District 1 - 5832, also the North line of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 2; thence North 89° 56' 07" East along said North line 546.68 feet to the East line of the West  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 2; thence South 00° 03' 23" East along said East line 1327.31 feet to the POINT OF BEGINNING.

and recorded in Plat Book 28, Page 12, of the Public Records of Lake County, Florida.

**New Development:**

**Township 19 South, Range 25 East**

**Section 2**

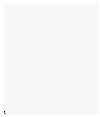
The Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  Section 2, Township 19 South, Range 25 East, and the East  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 2, Township 19 South, Range 25 East, Lake County, Florida, as recorded in Official Records Book 832, Page 745, Public Records of Lake County, Florida, subject to an easement for ingress, egress and utilities over, upon and across the real property described as follows:

Begin at a point on the East line of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 2, Township 19 South, Range 25 East, Lake County, Florida, said point being 5 feet North of the Southeast corner of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 2, said point being the POINT OF BEGINNING; thence run northerly along the East line of said Section a distance 25 feet; thence run westerly and parallel to the South line of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 2, a distance of 223.59 feet; thence South a distance of 30 feet more or less to the South line of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 2, said line also being the North line of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 11, Township 19 South, Range 25 East; thence East along the South line of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 2 a distance of 25 feet; thence North a distance of 5 feet; thence East and parallel to the South line of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 2 to the POINT OF BEGINNING.

Less right-of-way for Poe Street per ORB 749, Page 347. Containing 50.44 acres, more or less.

**EXHIBIT "B"**

**TRANSFER AGREEMENT  
(Previously provided)**



**EXHIBIT "C"**

**FINANCIAL STATEMENTS**  
**(Previously provided)**



**EXHIBIT "D"**

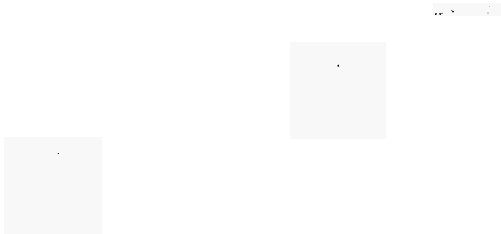
**DETAILED SYSTEM MAPS**  
**(Previously provided)**

**EXHIBIT "E"**

**LAKE COUNTY TAX ASSESSMENT MAP  
(Previously provided)**

**EXHIBIT "F"**

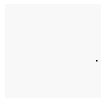
**STATEMENT REGARDING CAPACITY OF LINES, ETC.  
(Previously provided)**



**EXHIBIT "G"**

**TARIFF SHEETS  
(Previously provided)**

...



**EXHIBIT "H"**

**ORIGINAL WATER CERTIFICATE**  
**(Previously provided)**

**EXHIBIT "I"**

**AFFIDAVIT REGARDING ANNUAL REPORT AND TARIFF  
(Previously provided)**

\_\_\_\_\_

**EXHIBIT "J"**

**AFFIDAVIT OF COMPLIANCE  
(To be late filed)**

**EXHIBIT "K"**

**NOTICES TO GOVERNMENTAL ENTITIES, ETC.  
(To be late filed)**



**EXHIBIT "L"**

**NOTICE TO CUSTOMERS IN PROPOSED SERVICE AREA  
(To be late filed)**

**EXHIBIT "M"**

**AFFIDAVIT OF NEWSPAPER NOTICE  
(To be late filed)**