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Public Service Commission

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February 16, 2005

CERTIFIED MAIL

James R. and Lori T. Hamilton  
35124 Silver Oak Drive  
Leesburg, FL 34788-3151

Re: Docket No. 050028-WU - Application for authority to transfer a non-regulated water system, for a limited proceeding to implement rates and charges, and for amendment to extend territory of Certificate No. 539-W in Lake County by Raintree Utilities, Inc.

Dear Mr. and Mrs. Hamilton:

Thank you for your letter dated February 6, 2005, regarding the application filed in the above-referenced docket. In your letter, you indicated that you object to the transfer and registration of Certificate No. 106-W to provide water service to Silver Oak Subdivision by Raintree Utilities, Inc., 2100 Lake Eustis Drive, Tavares, Florida 32778. You then went on to state that the homeowners had an agreement that water would be provided at no charge and that the well would be a community well.

The Commission's Division of Regulatory Compliance and Consumer Assistance advises that they have never received a single complaint from a customer of Raintree Utilities. Also, in any amendment or transfer application the Commission always investigates and insures that the utility has the financial and technical ability to provide service, and that it owns the land or has continued long-term use of the land on which the utility facilities are located. As to competitive quotations, a notice is provided to the municipal and county governing bodies, plus any privately owned utilities in the area. Finally, as to the rates, most residential customers would have 5/8" x 3/4" meters, and would be billed a base charge of \$39 quarterly, or \$13 base rate monthly and \$1.40 per 1,000 gallons used. Therefore, if you have a standard 5/8" x 3/4" meter, and used 10,000 gallons a month, your quarterly bill would be \$81 (or about \$27 a month). Of course, if you have a larger meter, you would be billed the appropriate higher base charge.

I believe you have made an error in referencing the certificate number. In this docket, we are dealing with Raintree Utilities, Inc., and its application to amend Certificate 539-W (not 106-W), pursuant to a Transfer Agreement entered into with RTG Properties, a Florida general partnership, located in Clermont, Florida. Certificate No. 106-W is held by Florida Water Services Corporation (Florida Water) for its Silver Lake Estates and other water systems. Florida Water has applied to transfer those facilities to Aqua Utilities Florida, Inc. Because you refer to the Silver Oak Subdivision, and the well site to be transferred by RTG Properties is in the Silver Oaks Subdivision,

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presume you have filed your protest in the correct docket, but merely quote the wrong certificate number.

Finally, Mr. Griffin's (or RTG's) relationship with Raintree would not prevent the transfer as requested. Also, if Mr. Griffin (or RTG) is using this transfer to escape his obligations to the original homeowners, this would not be the type of dispute that would come under the jurisdiction of this Commission. Moreover, it would be up to the Department of Environmental Protection and the water management district to determine if this transfer would improperly circumvent environmental regulations or allow Raintree to withdraw any water to which it was not entitled.

Please advise this Commission by March 16, 2005, if you intend to pursue your objection and wish to request a formal hearing. Your request should be made in writing and should be addressed to Blanca Bayó, Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, and reference Docket No. 050028-WU. If we do not hear from you by March 16, 2005, we will assume that you do not wish to pursue a formal hearing and your letter will be placed in the correspondence side of the docket file in this case for informational purposes.

The opinions stated in this letter are my own personal opinions and in no way bind the Commission in any future proceeding. If you have any questions, you may contact me at (850) 413-6234.

Sincerely,



Ralph R. Jaeger  
Senior Attorney

RRJ:jb

cc: Division of the Commission Clerk and Administrative Services  
Martin S. Friedman and Valerie L. Lord, Esquires  
Division of Economic Regulation (Clapp, Redemann)