



Public Service Commission

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DATE: January 30, 2013

TO: Jennifer S. Crawford, Attorney Supervisor, Office of the General Counsel

FROM: Penelope D. Buys, Engineering Specialist III, Division of Engineering
Stanley D. Rieger, Utilities System/Engineering Specialist, Division of Engineering

RE: Docket No: 120284-WU - Application for quick-take amendment of Certificate No. 539-W to extend service area in Lake County by Raintree Harbor Utilities, Inc.

Raintree Harbor Utilities, Inc. (RHU or utility) is applying to amend its territory. RHU is a Class C utility, which provides water service in Lake County to approximately 116 customers in a community known as Raintree Harbor Subdivision (RHS). The utility is located in the St. Johns River Water Management District (SJRWMD), which has permanent water restriction rules in place. The utility's 2011 annual report shows annual gross revenue of \$48,094 and a net operating loss of \$12,947. The utility was originally granted a small system exemption from Commission regulation in 1987.¹

- In 1992, the utility was granted Certificate No. 539-W.²
- The utility was granted a transfer of majority organizational control in 2000.³
- In 2005, the utility was granted an extension of service territory to include the Bentwood subdivision in Lake County.⁴
- The utility's existing Commission approved rates were established in a staff assisted rate case in 2008.⁵
- The utility was granted the transfer of Raintree Harbor water facilities and Certificate No. 539-W to Raintree Harbor Utilities in 2012.⁶ In the same docket, RHU was granted the transfer of the Bentwood water facilities to the Bentwood Homeowners Association, Inc.

¹ Order No. 18131, issued September 8, 1987, in Docket No. 870796-WU, In re: Petition of Raintree Harbor Phase 1 for determination of exempt status of a water facility in Lake County.

² Order No. PSC-92-0019-FOF-WU, issued March 10, 1992, in Docket No. 911039-WU, In re: Application of Raintree Utilities, Inc. for a water certificate in Lake County, Florida.

³ Order No. PSC-00-0843-FOF-WU, issued April 28, 2000, in Docket No. 000149-WU, In re: Application for transfer of majority organizational control of Raintree Utilities, Inc., holder of Certificate No. 539-W in Lake County, from Don Monn to Keith J. Shamrock, and correction territory description.

⁴ Order No. PSC-05-0706-PAA-WU, issued June 29, 2005, in Docket No. 050028-WU, In re: Application for amendment of Certificate No. 539-W to extend territory in Lake County by Raintree Utilities, Inc., and for modification of service availability policy.

⁵ Order No. PSC-08-0483-PAA-WU, issued July 25, 2008, in Docket No. 070627-WU, In re: Application for staff-assisted rate case in Lake County by Raintree Utilities, Inc.

⁶ Order No. PSC-12-0260-PAA-WU, issued May 29, 2012, in Docket No: 110302-WU, In re: Application by Raintree Utilities, Inc. in Lake County for the transfer of the Bentwood water facilities to the Bentwood

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Pursuant to Section 367.045, Florida Statutes, (F.S.), and Rule 25-30.036, Florida Administrative Code, (F.A.C.), on November 4, 2012, the utility applied for a “quick take” amendment to Water Certificate No. 539-W, to include an adjacent parcel of land where service is not otherwise available. The property owner lives in the RHS and owns the adjacent parcel of land located outside the utility’s existing service territory. There is no well on the land and only one barn. The property owner wishes to have water supplied to the adjacent property and is requesting service from the utility.

The utility’s application is in compliance with the governing statute, Section 367.045, F.S., and other pertinent statutes and administrative rules concerning applications for amendment of certificate. The application contained a check in the amount of \$100 which is the correct filing fee pursuant to Rule 25-30.020, F.A.C. The application contained proof of compliance with the noticing provisions set forth in Rule 25-30.030, F.A.C. The Commission received no objections and the time for filing has passed.

Pursuant to Rule 25-30.036(2)(a) and (b), F.A.C., the applicant provided a statement that the new territory will not exceed twenty-five ERCs; there is no other utility in the area of the proposed territory that is willing and capable of providing reasonably adequate service to the new territory; and service is not otherwise available. Pursuant to Rule 25-30.036(2)(d), F.A.C., the utility also submitted evidence that it owns the land upon which the facilities are located. In addition, an adequate service territory map, territory description, and customer description have been provided as prescribed by Rule 25-30.036(3)(e), (i), and (m), F.A.C. A description of the proposed territory is appended to this recommendation as Attachment A. The utility has filed revised tariff sheets reflecting the amended area. In its application, it also referenced the rate case that established its most recent rates, and provided an affidavit that its tariffs and annual reports are on file with the Commission.

The utility’s water system is under the jurisdiction of the Department of Environmental Protection (DEP). There are no outstanding violations, citations, or notices of violation issued to the utility. Water supplied to the amended property will be provided from the utility’s water distribution system located at the nearby RHS. The property owner intends to obtain a utility easement from another existing RHS property owner or from a common piece of property owned by the RHS HOA. A single service line, approximately 200 feet in length, will be installed to an existing water main located on Lake Yale Drive in the RHS Section 1. The water meter will be located at the water main on Lake Yale Drive and the property owner will be responsible for the service line from the water meter to the amended property.

The Commission has jurisdiction pursuant to Section 367.045, F.S. Also, pursuant to Section 2.07(c)(4)(g) of the Administrative Procedures Manual (APM), staff has been given administrative authority to approve expansions of the service territory of existing water certificate if the application is in compliance with Rule 25-30.036(2), F.A.C. and are not controversial in nature. Based on the above information, staff recommends that Raintree Harbor Utilities, Inc.’s application to amend its territory, as described in Attachment A, should be granted. Staff believes the application is in compliance with Section 367.045, F.S., and Rule 25-30.036, F.A.C, and recommends that the Commission acknowledge the amendment to Certificate

Homeowners Association, Inc., and the transfer of the Raintree Harbor water facilities and Certificate No. 539-W to Raintree Harbor Utilities, LLC.

No. 539-W. Staff recommends the rates and charges approved by the Commission continue to be applied to the customer of the amended area. Furthermore, the docket should be closed upon the issuance of the order.

Raintree Harbor Utility, Inc.
Water Territory Description to be Added
Lake County

In Section 28, Township 18 South, Range 26 East in Lake County, Florida, bounded and described as follows: Commence at the Southwest corner of Section 28 and run South 89°45' 30" East along the South line of said Section 28 a distance of 1,264.65 feet to a point on the Northeasterly right-of-way line of State Road No. 452; said right-of-way being 100 feet in width; said point also being the point of beginning of this description; from said point of beginning, continue South 89° 45' 30" East along the south line of said Section 28 a distance of 870 feet, more or less, to a point on the Southwesterly water's edge of Lake Yale; said point hereby designated as point "A"; return to the point of beginning and run North 35° 16' 30" West along said Northeasterly right-of-way line of State Road No. 452 a distance of 150.00 feet; thence North 73° 33' 24" East 749 feet, more or less, to a point on the aforementioned Southwesterly water's edge of Lake Yale; thence, Southeasterly along and with said Southwesterly water's edge of Lake Yale to intersect the aforementioned Point "A". Subject to all easements, rights-of-way and restrictions of record, if any.

FLORIDA PUBLIC SERVICE COMMISSION

authorizes
 Raintree Harbor Utilities, LLC
 pursuant to
 Certificate Number 359-W

to provide water service in Lake County in accordance with the provisions of Chapter 367, Florida Statutes, and the Rules, Regulations, and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
PSC-92-0019-FOF-WU	03/10/1992	911039-WU	Original Certificate
PSC-00-0843-FOF-WU	04/28/2000	000149-WU	Transfer Majority Control
PSC-05-0706-PAA-WU	06/05/2005	050028-WU	Amendment
PSC-05-0706A-PAA-WU	08/04/2005	050028-WU	Correction
PSC-12-0260-PAA-WU	05/29/2012	110302-WU	Transfer of Certificate and Deletion of Territory
*	*	120284-WU	Amendment

* Order number and date to be provided at time of issuance