

Diamond Williams

100439-WS

From: Lisa Cline [LCline@deanmead.com] on behalf of Lee Chotas [EChotas@deanmead.com]
Sent: Friday, March 04, 2011 4:28 PM
To: Filings@psc.state.fl.us
Cc: Ann Cole; 'martyd@rsbattorneys.com'; Ralph Jaeger; Patti Daniel
Subject: RAINBOW SPRINGS UTILITIES, L.C. / FW: DOCKET NO. 100439-WS

Attachments: INFO REQUESTED BY STAFF.pdf



INFO
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Please file the attached in the referenced docket.

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March 4, 2011

BY U.S. MAIL & E-MAIL

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Ms. Ann Cole
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 100439-WS / Application for Approval of Revised Service
Availability Policy and Charges by Rainbow Springs Utilities, L.C. / Information
Requested by Staff on Conference Call of January 31, 2011

Dear Ms. Cole:

In response to the letters of Rose, Sundstrom & Bentley, LLP, dated February 14, February 21, and March 1, 2011, providing additional information to Staff as requested during the telephone conference on January 31, 2011, the undersigned, as attorney for CCW of Marion County, LLC ("Intervenor") notes the following:

1. The Developer's Agreement furnished to the Public Service Commission ("PSC") in the subject matter by Rainbow Springs Utilities, LC ("Utility") is an agreement between the Utility and Viking Management, LLC. It is to be noted that the Viking Management Developer's Agreement only relates to the Victoria Falls development which is not served by the Utility although it is within the Utility's certificated area. The Utility's charges were in excess of the Victoria Falls development owners' capacity to pay and, therefore, its homeowners' association now owns utility facilities which provide required service. It is acknowledged that the public drinking water supply projections do not include any potential demand from Victoria Park (the Vikings Development Agreement) and, therefore, there are no development agreements which the Utility has acknowledged requiring increases in capacity for water and sewer services.

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01475 MAR-4 =

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Ms. Ann Cole
Office of Commission Clerk
March 4, 2011
Page 2

2. Although the Utility has not acknowledged a developer's agreement with Rainbow Springs Limited in the form filed with the PSC in any event, CCW of Marion County, LLC, as successor in interest to Rainbow Springs Limited has acknowledged that other than the already platted and developed lots, no properties owned by it shall result in additional water and sewer demands within the eight to ten year planning horizon of the Utility.
3. With regard to Tract F and Tract H located west of U.S. Hwy. 41 and commercial tracts located along U.S. Hwy. 41 which are owned by Rainbow IV Partners, RLLP, we contacted Chris Risen at the Marion County Planning Department (352-438-2600). His review confirms that application has been filed by Rainbow IV Partners, RLLP for PUD rezoning of the tracts within the certificated territory of the Utility. There has been no approval of this PUD rezoning which was filed in 2006. No activity has occurred since it was filed under Case No. 2006-1116Z. Other properties titled in Cool Springs Farms located outside of the Utility's certificated territory no longer have entitlements. The Development Order granting a DRI approval under the Florida Quality Development Program lapsed and, in the opinion of Marion County, the entitlements have expired. Thus the golf course proposed to accept waste water from the plant does not exist and no approvals for same have been granted. We expect alternative utility arrangements for this property will also be considered by the current owners in order to avoid much higher charges.

In the absence of any additional demand for capacity, it is suggested that it is not prudent to plan for any expansion of capacity at this time. The Utility may well discover that it has excess capacity that will not be utilized.

Sincerely,



Elias N. Chotas

ENC:lc

cc: F. Marshall Deterding, Esq.
Rose, Sundstrom & Bentley

Ralph Jaeger
Office of General Counsel