

LAW OFFICES
ROSE, SUNDBSTROM & BENTLEY, LLP
2548 BLAIRSTONE PINES DRIVE
TALLAHASSEE, FLORIDA 32301
(850) 877-6555

ORIGINAL

CHRIS H. BENTLEY, P.A.
F. MARSHALL DETERDING
BRIAN L. DOSTER
MARTIN S. FRIEDMAN, P.A.
JUDITH R. JENKINS, P.A.
STEVEN T. MENDELIN, P.A.
DAREN L. SHIPPY
WILLIAM E. SUNDBSTROM, P.A.
DIANE D. TREMBOR, P.A.
JOHN L. WHARTON

MAILING ADDRESS
POST OFFICE BOX 1567
TALLAHASSEE, FLORIDA 32302-1567

TELEPHONE (850) 696-8029

May 8, 1998

ROBERT M. C. BONE
OF COUNSEL

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida

Re: Rainbow Springs Utilities, L.C.; PSC Docket No. 971621-WS
Application for Extension of Service Territory
Our File No. 29030.06

Dear Ms. Bayo:

Attached are the original and fifteen copies of the Joint Stipulation and Settlement Agreement entered into between Rainbow Springs Utilities, L.C. and the Rainbow Springs Homeowners Association to resolve the outstanding dispute in the above-referenced case. With the filing of this Settlement Agreement, the Commission can now cancel the hearing in this case and move forward with the approval of the Extension Application of Rainbow Springs Utilities, L.C. as amended.

ACK _____

AFA _____ Should you have any questions in this regard, please let me
APP _____ know.

CAF _____

CMU RECEIVED & FILED

CTR *[Signature]*

EAG FPSC-BUREAU OF RECORDS

LEG 1

LIN 3

OPC _____FMD/tms

RCH _____cc: Ralph Jaeger, Esquire

SEC 1 Bobbie Reyes, Esquire

Mike Twomey, Esquire

WAS *[Signature]* Mr. J.T. Collins

OTH _____

Sincerely,

ROSE, SUNDBSTROM & BENTLEY, LLP

[Signature]

F. Marshall Deterding
For The Firm

DOCUMENT NUMBER-DATE

05218 MAY-88

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment)
of Certificate No. 355-W and 311-S)
to add territory in Marion County) Docket No. 971621-WS
by Rainbow Springs Utilities, L.C.)

JOINT STIPULATION AND SETTLEMENT AGREEMENT

Comes now RAINBOW SPRINGS UTILITIES, L.C. (hereinafter "Rainbow Springs" or the "Utility") and the Village of Rainbow Springs Homeowners Association (hereinafter the "Homeowners Association"), and file this Joint Stipulation and Settlement Agreement in order to resolve the protest of the Homeowners Association and its members to the Application for Extension of Service Territory filed by the Utility in the above-referenced docket, and in support thereof states as follows:

1. On December 16, 1997 the Utility filed its Application for Amendment of its Water and Wastewater Service Territory in order to include the entirety of the Rainbow Springs development within its service area.

2. Several members of the public and members of the Homeowners Association filed timely protests to the Utility's Application expressing concern over inclusion of two subdivisions known as "The Forest" and "The Woodlands" within the service territory of the Utility. The Homeowners Association itself was granted intervenor status in this proceeding.

3. On March 4, 1998 the Utility filed a Restrictive Amendment to its original Application by which it proports to remove completely the areas encompassing the individual residential lots serviced by

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

well and septic tank within the areas commonly known as "The Forest" and "The Woodlands" in an attempt to eliminate the basis for the protest and resolve this dispute with the Association and its members.

4. The parties have now agreed that the following language represents the basis of their settlement and that such language should be included within the Florida Public Service Commission's Final Order granting the remaining territory requested by the Utility:

The Village of Rainbow Springs Homeowners Association sought and was granted intervener status in this proceeding based on its assertion that certain of its members resided on residential lots of one acre or larger, which lots were already served by individual potable water wells and septic tank wastewater systems in subdivisions known as "The Forest" and "The Woodlands". The Village of Rainbow Springs Homeowners Association asserted that these members' substantial interests would be affected by the granting of the original amendment and the resulting potential that the Utility might force them to switch from the expensive individual systems to the Utility's centralized systems.

Seeking to eliminate the basis of the protests, the Utility filed a Restrictive Amendment to its original application by which it purported to remove completely the areas encompassing The Forest and The Woodlands. The Village of Rainbow Springs Homeowners Association is agreeable to the Restrictive Amendment but has been unable to confirm to its satisfaction that all the one acre or larger residential lots in The Forest and The Woodlands are excluded by the revised maps and legal descriptions submitted by the Utility with its Restrictive Amendment. Because the names "The Forest" and "The Woodlands" are not defined terms in recorded plats or elsewhere no such definitive assurances can be gained by reference to those names.

However, based on assurances by the Utility that all currently platted one acre and larger lots either currently utilizing individual potable wells and septic tanks and those currently entitled to use such systems within the areas commonly referred to as The Forest and The Woodlands have been removed by the Restrictive Amendment and,

further, that the Utility has no intention of trying to force service on any of those lots as a result of territory awarded through this proceeding, the Village of Rainbow Springs Homeowners Association has agreed to withdraw from its intervener status in this proceeding and to withdraw its protest to the requested territorial expansion, as modified by the Restrictive Amendment. The Utility will not attempt, through the award of territory in this proceeding, to require service by any currently platted residential lot of one acre or larger that is currently utilizing individual potable wells and septic tanks, or which is currently entitled to use such systems and located within either The Forest or The Woodlands, but whose legal description might have been inadvertently included in the service territory approved by the Commission in this docket.

WHEREFORE, the parties request that the Florida Public Service Commission enter its Final Order approving the Application of Rainbow Springs Utilities, L.C. as restrictively amended, and include the above-referenced language within the Commission's Final Order.

Respectfully submitted on this
~~27th~~ day of May, 1998, by:

ROSE, SUNDSTROM & BENTLEY, LLP
2548 Blairstone Pines Drive
Tallahassee, Florida 32301
(850) 877-6555

BY: 

F. MARSHALL DETERDING
For the Firm

BY: 

MIKE TWOMEY
Attorney for Rainbow Springs
Homeowners Association
Post Office Box 5652
Tallahassee, Florida 32314-5652

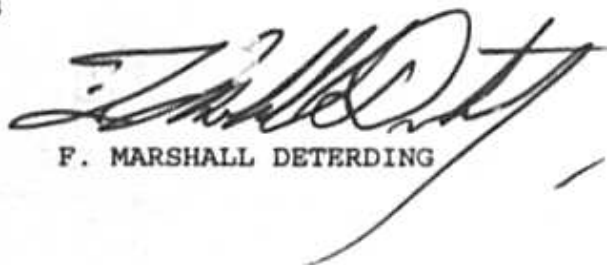
CERTIFICATE OF SERVICE

Docket No. 971621-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery* to the following parties this ^{8th} day of May, 1998.

Ralph Jaeger, Esquire*
Florida Public Service Commission
Legal Department
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Bobbie Reyes, Esquire*
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0873



F. MARSHALL DETERDING

rainbow\settle.agr