

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)
by Rainbow Springs Utilities, L.C.,)
_____)

Docket No. 971621-WS

CONDITIONAL WITHDRAWAL OF INTERVENTION AND PROTEST

The Village of Rainbow Springs Homeowners Association, by and through its undersigned attorney, gives notice of its conditional withdrawal of intervention and protest in the above-styled proceeding, and in support thereof states:

1. On December 16, 1997, Rainbow Springs Utilities, L.C. (the "Utility") filed its application for amendment of its certificated service area seeking to add areas that it was currently serving with central service, areas planned for central water and wastewater service, and subdivisions within the Rainbow Springs development which are currently utilizing individual wells and septic tanks.

2. On February 24, 1998, the Village of Rainbow Springs Homeowners Association (the "Association") requested leave to intervene in this proceeding stating that the requested

ACK _____
AFA _____ amendment included territory in which its members resided, which members' substantial interests
APP _____ would be affected by the granting of the requested amendment. More specifically, the Association
CAF _____
CMU _____ stated that its potentially affected members resided in two subdivisions referred to as "The Forest"
CTR _____ and "The Woodlands" and that these members resided on residential lots of one acre or larger and
EAG _____
LEG *leg* had all been compelled to purchase and install expensive individual potable water wells and septic
LIN 3
QPC _____ tank sewage systems in order to build homes on their lots. The Association alleged that these
RCH _____ members of the Association would be adversely impacted by the requirement to take centralized
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service from the Utility or even by the potential of being forced to take service from the Utility. The Association's request for intervention was granted by the March 4, 1998 issuance of Order No. PSC-98-0357-PCO-WS.

3. On March 4, 1998, the Utility filed its Notice of Restrictive Amendment to Application for Amendment of Water and Wastewater Certificates by which the Utility stated it intended to exclude from its original application the subdivisions known as The Forest and The Woodlands, which it stated were the basis for all the customer protests received by the Commission in opposition to the Application for Amendment. The Utility stated that it considered that the exclusion of The Forest and The Woodlands from the proposed expansion application effectively eliminated the basis of all customer protests received by the Commission. In support of its Restrictive Amendment, the Utility subsequently provided the Commission with revised maps and legal descriptions which purported to remove from the original amendment application those areas described as The Forest and The Woodlands. The revised maps were neither signed nor sealed by the preparer.

4. The Association is prepared to withdraw as an Intervener in this case in response to the Utility's Restrictive Amendment so long as it is assured that the revised maps and legal descriptions include all the residential lots of one acre or more included within the subdivisions known as The Forest and The Woodlands. Despite attempts to compare the revised application for amendment against the actual physical locations of The Forest and The Woodlands, the Association has not been able to satisfy itself that every residential lot contained within The Forest and The Woodlands have been removed as stated by the Utility. Accordingly, while the Association is willing to withdraw its intervention from this proceeding and has no objection to

the granting of the remaining territory sought by the Utility, it will withdraw only on the condition that the following language be included within the Commission's order granting the requested territorial amendment:

The Village of Rainbow Springs Homeowners Association sought and was granted intervenor 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 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. However, based on assurances by the Utility that all lots within 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 the lots included within The Forest or The

Woodlands 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, on the further assurance that the Utility will not attempt to require service by any residential lot of one acre or larger that is 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 Village of Rainbow Springs Homeowners Association will withdraw its intervener status and its protest and objection to Rainbow Springs Utilities, L.C.'s Application for Amendment of its Certificate, as revised by its Notice of Restrictive Amendment to Application for Amendment of Water and Wastewater Certificates, filed March 4, 1998, on the condition that the Commission include within its order approving the service territory expansion the clarifying statement included in Paragraph 4 of this document.

Respectfully submitted,



Michael B. Twomey
Attorney for the Village of Rainbow Springs
Homeowners Association
(904) 421-9530

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished by
U.S. Mail, postage prepaid, this 2nd day of April, 1998 to the following persons:

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