



Order No. PSC-92-0542-FOF-SU, issued June 23, 1992, imposed a fine of \$5,000. However, since the owner was attempting to sell the utility, the fine was suspended for a period of six months. If the owner of the utility had not made significant progress towards selling the system or completing the improvements and capacity study by the end of the suspension period, the Commission would consider reinstating the fine.

On December 14, 1993, HUI informed the Commission that the utility had been sold to a group of homeowners, RHV Utility, Inc. (RHV). Because of the change in ownership, DER has indicated that a two-year temporary operating permit may be issued for the utility and it is likely that existing deadlines will be extended.

Although the system was transferred to RHV without prior approval of the Commission in violation of Section 367.071, Florida Statutes, the matter is not being addressed in the instant order. RHV is in the process of preparing a transfer application, and has indicated that it intends to complete the ordered plant improvements in order to reobtain an operating permit. Order No. PSC-93-0515-FOF-SU, issued on April 5, 1993, extended the fine suspension deadline until the transfer docket can be considered.

#### Escrow Account

Copies of the transfer documents were obtained to determine if the former owner's interest in the existing escrow account was transferred to RHV. Since the agreement for purchase and sale and the bill of sale do not support a clear answer to the question, disposition of the funds in the existing escrow account will be considered at a later date.

So that the revenues may continue to be collected subject to refund until plant improvements are made, we find that a new escrow account should be established for RHV. Therefore, RHV shall establish a new escrow account and escrow \$1.81 of the base facility charge per equivalent residential connection (ERC), \$.32 of the residential gallonage charge and \$.38 of the commercial gallonage charge, as set forth in Order No. 24937. In addition, RHV shall immediately deposit \$9,039 into the new escrow account. This is the amount of revenue that should have been escrowed between December 1992, when RHV purchased the system, and March 1993, the last time RHV billed.

RHV has not billed or collected revenue since March 1993, due to flood damage to its office after a storm which destroyed RHV's files, backups and computers. According to RHV, the storm damage is also the reason the transfer application has not been filed. RHV is in the process of recreating its files and has begun backbilling starting with the March, 1993 billing period.

The new escrow account shall be established between RHV and an independent financial institution pursuant to a written escrow agreement. The Commission shall be a party to the written agreement and a signatory to the escrow account. The written escrow agreement shall state, at a minimum: that the account is established at the direction of this Commission for the purpose set forth above; that the account is to be an interest bearing account; that no withdrawals of funds shall occur without the prior written approval of the Commission through the Director of the Division of Records and Reporting; that the ultimate disposition of the escrow funds, including interest, is subject to the authority of the Commission; and that pursuant to Consentino v. Elson, 263 So.2d 253 (Fla. 3d DCA 1972), escrow accounts are not subject to garnishments.

RHV shall deposit funds to be escrowed into the account within seven (7) days of the receipt thereof. The utility shall keep an accurate and detailed account of all monies received, specifying by whom or on whose behalf such amounts were paid. By the twentieth day of each month, the utility shall file a report showing the amount of revenues collected. Should a refund be required, the refund shall be with interest and undertaken in accordance with Rule 25-30.360, Florida Administrative Code.

It is, therefore,

ORDERED by the Florida Public Service Commission that RHV Utility, Inc., Post Office Box 2770, Crystal River, Florida 32623, shall establish an escrow account as set forth in the body of this Order. It is further

ORDERED that RHV Utility, Inc. shall immediately deposit \$9,039 into the new escrow account as set forth in the body of this Order. It is further

ORDERED that all revenues held in the escrow account shall be subject to refund with interest. It is further

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ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission this 13th  
day of July, 1993.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

SFS

by: Kay Flynn  
Chief, Bureau of Records

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060,

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Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.