

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment of Certificate Nos. 297-S and 340-W to add territory in Pasco County by Mad Hatter Utility, Inc. | DOCKET NO. 080031-WS
ORDER NO. PSC-08-0307-FOF-WS
ISSUED: May 12, 2008

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman
LISA POLAK EDGAR
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

ORDER ACKNOWLEDGING AMENDMENT TO APPLICATION

BY THE COMMISSION:

Background

Mad Hatter Utility Inc. (Mad Hatter or utility), is a Class A utility providing water and wastewater service in Pasco County. Water and wastewater rates were last established for this utility by Order No. PSC-93-0295-FOF-WS,¹ issued February 24, 1993. On January 8, 2008, the utility applied for an amendment to Certificate Nos. 340-W and 297-S in Pasco County, Florida, pursuant to Rule 25-30.036(2), Florida Administrative Code (F.A.C.).

The application involves a “quick-take” amendment to include a single commercial property, an auto body shop, whose well is experiencing water quality problems. The amendment filing also requests inclusion of this property in the utility’s wastewater certificated area.

The system in this application is located in the Southwest Florida Water Management District (SWFWMD). We have jurisdiction pursuant to Section 367.045, Florida Statutes (F.S.).

Decision

As stated, on January 8, 2008, the utility applied for an amendment to Certificate Nos. 340-W and 297-S in Pasco County, Florida, pursuant to Rule 25-30.036(2), Florida Administrative Code (F.A.C.). The parcel requested to be included in the certificated areas for water and wastewater is a commercial building, now occupied by an auto body shop. The well on the building’s site is experiencing water quality problems and the property owner, Mr. Joseph Izzo, is desirous of receiving potable water from Mad Hatter. The expected demand to be placed on the system will not exceed two ERCs. While the property does not immediately need

¹ In Docket No. 910637-WS, In re: Application for a rate increase in Pasco County by Mad Hatter Utility, Inc.

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wastewater service (the establishment is currently on a septic tank), Mr. Izzo has requested that the property also be included in the utility wastewater territory so that when wastewater service is needed, a connection to the utility's wastewater system can be accomplished.

The application is in compliance with the governing statute, Section 367.045, F.S., and other pertinent statutes and administrative rules concerning an application for amendment of certificate. The utility provides water service from its wells and purchases bulk wastewater treatment from Pasco County.

Adequate service territory maps and a territory description have been provided as prescribed by Rule 25-30.036(3)(e) and (i), F.A.C. A description of the territory requested by the utility is appended to this order as Attachment A. The utility has submitted an affidavit consistent with Section 367.045(2)(d), F.S., that it has tariffs and annual reports on file with us. In addition, the application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, F.A.C. No objections to the application have been received and the time for filing such has expired. The local planning agency was provided notice of the application and did not file a protest to the amendment.

We hereby acknowledge Mad Hatter's application to expand its territory and amend Certificate Nos. 340-W and 297-S. The territory amendment is described in Attachment A. The rates and charges for Mad Hatter's service area shall be applied to this customer in the new service territory. The utility has filed revised tariff sheets incorporating the additional water and wastewater territory into its tariff. This order shall serve as Mad Hatter's amended certificates and it shall be retained by the utility. Mad Hatter shall charge the customers in the added territory the rates and charges contained in its tariff until authorized to change by this Commission in a subsequent proceeding.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application of Mad Hatter Utility Inc., for an amendment of its Certificate Nos. 340-W and 297-S in Pasco County is acknowledged and the certificates are amended as set forth in the body of this Order. It is further

ORDERED that the approved territory amendment is as described in Attachment A, which is incorporated by reference herein. It is further

ORDERED that this Order shall serve as Mad Hatter Utility Inc's. amended certificate and shall be retained by the utility. It is further

ORDERED that Mad Hatter Utility Inc. shall charge the customers in the added territory the rates and charges contained in its tariff until authorized to change by this Commission in a subsequent proceeding. It is further

ORDERED that because no further action is required, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 12th day of May, 2008.



ANN COLE
Commission Clerk

(S E A L)

KY

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

MAD HATTER UTILITY, INC
Description of Territory Served
Water and Wastewater Service Territory
Pasco County

I 220 PROPERTY

A portion of Section 36, Township 26 South, Range 18 East, Pasco County:

Being that portion of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 36, Township 26 South, Range 18 East, Pasco County, Florida; lying East of U.S. Highway 41 (State Road No. 45) being more fully described as follows:

Commence at the Northeast corner of the Southwest 1/4 of the Northwest 1/4 of said Section 36; thence S 0°52'44" W, along the East line of the Southwest 1/4 of the Northwest 1/4 of Section 36, for a distance of 49.82 feet to the Point of Beginning; thence continue S 0°52'51" W, along the said East line, for a distance of 135.0 feet; thence N 89°13'40" W, for a distance of 229.32 feet; thence S 0°52'51" W, for a distance of 9.93 feet; thence N 89°13'40" W, for a distance of 100.0 feet to a point on the Easterly right of way line of U.S. Highway 41; thence N 14°19'48" W, along the said Easterly right of way line, for a distance of 150.0 feet; thence S 89°13'41" E, for a distance of 184.71 feet; thence N 0°31'23" E, for a distance of 11.94 feet; thence S 89°10'16" E, for a distance of 35.06 feet; thence S 0°29'48" W, for a distance of 11.80 feet; thence S 89°13'39" E, for a distance of 148.90 feet to the Point of Beginning.

Less the following described property, more or less taken by the Department of Transportation, State of Florida, for additional right of way for State Road 45. That part of the Southwest 1/4 of the Northwest 1/4 of Section 36, Township 26 South, Range 18 East, Pasco County, Florida, being described as follows:

Commence at a 4" concrete monument being the Northeast corner of the Southwest 1/4 of the Northwest 1/4 of Section 36, Township 26 South, Range 18 East, Pasco County, Florida; thence S 0°27'26" W, along the East line of said Southwest 1/4 of the Northwest 1/4 of said Section 36 for 184.82 feet; thence N 89°38'23" W, parallel with the North line of said Southwest 1/4 of the Northwest 1/4 of Section 36 for 229.32 feet; thence S 0°27'26" W, for 9.93 feet; thence N 89°38'23" W for 103.58 feet to the Point of Beginning and a point on the existing Easterly right of way line of State Road 45 (U.S. Highway 41), said point being the point of intersection with a non-tangent curve, concave Easterly, having a radius of 5679.58 feet and a central angle of 01°30'30"; thence Northerly along said Easterly right of way line and along the arc of said curve to the right for 149.52 feet, said arc subtended by a chord which bears N 13°51'42" W for 149.51 feet to the point of intersection with a non-tangent line; thence S 89°38'23" E, parallel with said North line of the Southwest 1/4 of the Northwest 1/4 of Section 36, a distance of 63.85 feet to a point of intersection with a non-

tangent curve, concave Easterly, having a radius of 6822.50 feet and a central angle of $01^{\circ}15'03''$; thence Southwesterly along the arc of said curve to the left for 148.95 feet, said arc subtended by a chord which bears $S 12^{\circ}58'59'' E$ for 148.95 feet to the point of intersection with a non-tangent line; thence $N 89^{\circ}38'23'' W$, for 61.49 feet to the Point of Beginning.

FLORIDA PUBLIC SERVICE COMMISSION
authorizes

Mad Hatter Utility, Inc.
pursuant to
Certificate Number 340-W

to provide water service in Pasco 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>
10325	10/7/81	800530-WS	Transfer
13552	07/31/84	840199-WS	Amendment
14058	02/05/85	840171-WS	Transfer
15693	02/18/86	860016-WS	Amendment
16976	12/18/86	860859-WS	Amendment
20143	10/10/88	880737-WS	Transfer
PSC-97-0378-FOF-WS	04/07/97	960576-WS	Amendment
PSC-97-1173-FOF-WS	10/01/97	960576-WS	Amendment
PSC-98-0447-FOF-WS	03/30/98	971362-WU	Amendment
PSC-97-1173A-FOF-WS	05/07/98	960576-WS	Correction
PSC-03-0243-FOF-WS	02/20/03	020982-WS	Amendment/deletion
PSC-07-0669-SC-WS	08/20/07	021215-WS	Amendment
PSC-07-0669-SC-WS	08/20/07	041342-WU	Amendment
PSC-08-0307-FOF-WS	05/12/08	080031-WS	Amendment

FLORIDA PUBLIC SERVICE COMMISSION

authorizes

**Mad Hatter Utility, Inc.
pursuant to
Certificate Number 297-S**

to provide wastewater service in Pasco 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>
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16976	12/18/86	860859-WS	Amendment
18814	02/08/88	870618-SU	Amendment
20143	10/10/88	880737-WS	Transfer
PSC-97-0378-FOF-WS	04/07/97	960576-WS	Amendment
PSC-97-1173-FOF-WS	10/01/97	960576-WS	Amendment
PSC-97-1173A-FOF-WS	05/07/98	960576-WS	Correction
PSC-03-0243-FOF-WS	02/20/03	020982-WS	Amendment/deletion
PSC-07-0669-SC-WS	08/20/07	021215-WS	Amendment
PSC-08-0307-FOF-WS	05/12/08	080031-WS	Amendment