

ORIGINAL  
FILE COPY

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for amendment of Certificates Nos. 340-W and 297-S in Pasco County by Mad Hatter Utility, Inc. ) DOCKET NO. 960576-WS ) FILED: MARCH 20, 1997

COMMISSION STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-96-1235-PCO-WS, issued October 4, 1996, the Commission staff (staff) files its prehearing statement as follows:

A. Witnesses

Staff intends to call the following witnesses:

Peter Burghardt of the Florida Department of Environmental Protection (DEP). He will testify on the permitting, compliance, and enforcement activities concerning the wastewater facilities of Mad Hatter Utility, Inc. (MHU or utility) that are located in Pasco County, and the wastewater facilities of Pasco County (County).

Milton J. Martinez of DEP. He will testify on the permitting activities of MHU's and the County's water facilities.

Peter G. Screnock of DEP. He will testify on the compliance and enforcement activities of MHU's and the County's water facilities.

- ACK
AFA
APP
CAF
CMU
CTR
EAG
LEG
LIN
OPC
RCH
SEC
WAS
OTH

B. Exhibits

Staff will prefile its direct testimony of the above-named witnesses on April 8, 1997, as scheduled, and reserves the right to sponsor exhibits to that testimony. Staff also reserves the right to identify additional exhibits at the prehearing conference and at hearing for purposes of cross-examination.

C. Basic Position

The information gathered through discovery and prefiled testimony, at this point, indicates that MHU has been serving certain portions of the territory included in its amendment application for some time, and that if this is the case, it

DOCUMENT NUMBER-DATE

02882 MAR 20 97

FPSC-RECORDS/REPORTING

COMMISSION STAFF'S PREHEARING STATEMENT  
DOCKET NO. 960576-WS

would be an unnecessary duplication of service for Pasco County to serve those particular areas. Staff has no preliminary position on the portions of territory included in the amendment application which MHU is not currently serving. Staff's final positions will be based on analysis of the evidence presented at hearing.

D. Issues of Fact, Law and Policy

The following are issues identified by staff and its positions on these issues. Non-testifying staff's positions are preliminary and are based on materials filed by the parties or obtained through discovery and are intended to inform the parties of staff's preliminary positions. Staff's final positions will be based upon an analysis of the evidence presented at the hearing.

**ISSUE 1:** Does MHU include in its amendment application all of the uncertificated territory in which it currently provides service as required by Order No. PSC-96-0172-FOF-WS, issued February 7, 1996, in Docket No. 940761-WS, and what are those specific areas?

**POSITION:** Yes, it appears that MHU has included in its amendment application all of the uncertificated territory in which it currently provides service, in accordance with Order No. PSC-96-0172-FOF-WS. Staff has no position pending further development of the record as to whether MHU is currently providing service in two of the requested parcels, Parcels C-6 and C-9. With the exception of Parcels C-6 and C-9, the following appear to be the specific areas in which MHU is currently serving without certificates of authorization:

A-3 (Woodruff MHP); A-4 (Holy Trinity Church); B-21 (Robco); B-22 (Larreau); B-23 (Rusch Plaza); B-24 (Kniff Property); C-6A (Twin Lakes Subdivision); C-7 (Woodridge); C-8 (Highland Oaks).

**ISSUE 2:** Does MHU include in its amendment application territory in which it currently does not provide service, and what are those specific areas?

**POSITION:** Yes, MHU includes in its amendment application territory in which it currently does not provide service. Staff has no position pending further development of the record

COMMISSION STAFF'S PREHEARING STATEMENT  
DOCKET NO. 960576-WS

as to whether MHU is currently providing service in two of the requested parcels, Parcels C-6 and C-9. With the exception of Parcels C-6 and C-9, the following appear to be the specific areas in MHU's application which it is not currently serving:

A-2, (Lake Linda Circle MHP); B-1A (T & G Properties); B-20 (Willet); B-25 (Ash Property); B-26 (Meadowview); B-27 (Como Club/Mossview); C-10 (Ash Property--Myrtle Lake).

**ISSUE 3:** Pursuant to Section 367.045(2)(b), Florida Statutes, is there a need for service in the territory which MHU seeks to add to its certificates of authorization?

**POSITION:** There appears to be a need for service in the following portions of the requested territory, as evidenced by MHU's assertion that it is already providing service in these areas:

A-3 (Woodruff MHP); A-4 (Holy Trinity Church); B-21 (Robco); B-22 (Larreau); B-23 (Rusch Plaza); B-24 (Kniff Property); C-6A (Twin Lakes Subdivision); C-7 (Woodridge); C-8 (Highland Oaks).

Staff has no position with respect to the need for service in the remainder of the territory requested pending further development of the record.

**ISSUE 4:** Pursuant to Section 367.045(2)(b), Florida Statutes, and Rule 25-30.036(3)(b), Florida Administrative Code, does MHU have the technical ability and adequate capacity to serve the territory which it seeks to add to its certificates of authorization? (Burghardt, Martinez, Screnock)

**POSITION:** The utility appears to have the technical ability and adequate capacity to serve the following portions of MHU's amendment application, which portion the utility states that it is already providing service at build-out or near build-out capacity:

A-3 (Woodruff MHP); A-4 (Holy Trinity Church); B-21 (Robco); B-22 (Larreau); B-23 (Rusch Plaza); C-6A (Twin Lakes Subdivision); C-7 (Woodridge).

COMMISSION STAFF'S PREHEARING STATEMENT  
DOCKET NO. 960576-WS

Staff has no position with respect to the utility's technical ability or capacity to serve the remainder of the territory requested pending further development of the record.

**ISSUE 5:** Pursuant to Section 367.045(2)(b), Florida Statutes, and Rule 25-30.036(3)(b), Florida Administrative Code, does MHU have the financial ability to serve the territory which it seeks to add to its certificates of authorization?

**POSITION:** No position pending further development of the record.

**ISSUE 6:** Pursuant to Rule 25-30.036(3)(d), Florida Administrative Code, does MHU own the land upon which its treatment facilities that serve or will serve the proposed territory are located, or, if not, is the utility entitled to continued use of that land?

**POSITION:** No position pending further development of the record.

**ISSUE 7:** Does service exist from other sources within geographical proximity to the areas that MHU seeks to add to its certificates of authorization?

**POSITION:** Service may be available from Pasco County within geographical proximity to certain portions of the areas that MHU seeks to add to its certificates of authorization.

**ISSUE 8:** Would the proposed amendment of MHU's territory result in the extension of a system which would be in competition with, or a duplication of, any other system or portion of a system?

**POSITION:** No position pending further development of the record.

**ISSUE 9:** If the proposed amendment of MHU's territory would result in the extension of a system which would be in competition with, or a duplication of, any other system or portion of a system, is such other system or portion thereof inadequate to meet the reasonable needs of the public or are the persons operating it unable, refusing, or neglecting to provide reasonably adequate service?

**POSITION:** No position pending further development of the record.

COMMISSION STAFF'S PREHEARING STATEMENT  
DOCKET NO. 960576-WS

ISSUE 10: Pursuant to Section 367.045(5)(a), Florida Statutes, is it in the public interest for the Commission to grant MHU's amendment application?

POSITION: No position pending further development of the record.

E. Stipulated Issues

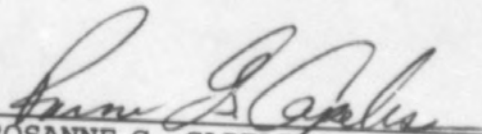
There are no issues that have been stipulated at this time.

F. Pending Matters

There are no matters pending at this time.

G. Requirements That Cannot Be Complied With

There are no requirements of Order No. PSC-96-1235-PCO-WS that cannot be complied with at this time.

  
\_\_\_\_\_  
ROSANNE G. CAPELESS, Senior Attorney

FLORIDA PUBLIC SERVICE COMMISSION  
Gerald L. Gunter Building  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for  
amendment of Certificates Nos.  
340-W and 297-S in Pasco County  
by Mad Hatter Utility, Inc.

) DOCKET NO. 960576-WS  
)  
) FILED: MARCH 20, 1997  
)  
)

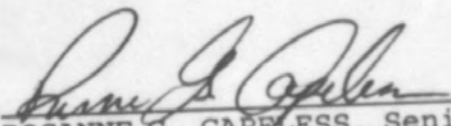
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the  
Commission Staff's Prehearing Statement has been furnished to the  
following by U.S. Mail this 20th day of March, 1997:

F. Marshall Deterding, Esquire  
Rose, Sundstrom & Bentley  
2548 Blairstone Drive  
Tallahassee, Florida 32301

Marion Hale, Esquire  
Johnson, Blakely, Pope, Bokor,  
Ruppel & Burns, P.A.  
911 Chestnut Street  
Clearwater, FL 34616

Karla Stetter, County Attorney  
Office of the County Attorney  
7530 Little Road, Suite 340  
New Port Richey, FL 34654

  
\_\_\_\_\_  
ROSANNE G. CAPELESS, Senior Attorney

FLORIDA PUBLIC SERVICE COMMISSION  
Gerald L. Gunter Building  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850  
(904) 413-6224