

STATE OF FLORIDA

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DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(850) 413-6199

Public Service Commission

January 17, 2001

Mr. Thomas Spencer, Esquire
19235 U.S. Highway 41 North
Lutz, Florida 33549

RE: Docket No. 990988-WS - Investigation into the retention of the certificated area of Mad Hatter Utility, Inc. located on Lake Thomas and School Road in Pasco County.

Dear Mr. Spencer:

The purpose of this letter is to address the application submitted by the Hallmark Land Trust (Trust) and your letters dated December 12 and 22, 2000. In your letters, you request the "PSC to promptly initiate action to remove my client's [Hallmark Land Trust] property from the franchise of Mad Hatter. At this time this is the only fair and equitable action to address the problems that are not of our own making." In addition, your letter dated December 22, 2000, states that it is reasonable for the utility to produce any permits or application to expand or operate the wastewater facilities that will serve the Lake Talia development.

After reviewing the Trust's application, Mad Hatter Utility, Inc.'s (Mad Hatter or utility) tariff and Rule 25-30.525, Florida Administrative Code, the Commission Staff (staff) believes that the Trust has failed to meet the requirements of Rule 25-30.525, Florida Administrative Code. Pursuant to Rule 25-30.525(1)(e), Florida Administrative Code, an applicant is required to submit a development plan as part of its application for service. Our records indicate that no development plan has been submitted. In addition, although we have a copy of the preliminary plot plan as required by Rule 25-30.525(1)(d), Florida Administrative Code, the plat map indicates that the water treatment facilities will be located on-site. Please advise whether the preliminary plot plan is the plan which the Trust is relying upon to comply with Rule 25-30.525(1)(d), Florida Administrative Code.

Based on the foregoing, since the Trust has failed to submit a completed application, staff believes that it is premature to initiate a territory deletion proceeding against Mad Hatter at this time. Once the Trust's application is complete, staff will address whether the utility has failed to provide service within a reasonable time. Further, staff believes that it is unreasonable to require the utility

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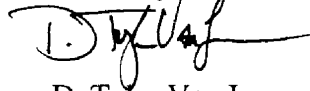
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to ascertain permits for operating or expanding its wastewater facilities when the utility has not received a completed application for service.

Staff will leave the above-referenced docket open for a period of time in order for the Trust to submit a completed application. If the Trust fails to submit a completed application by July 2, 2001, staff will take the necessary steps to close the docket.

If you have any questions, please feel free to contact Rosanne Gervasi at (850) 413-6224.

Sincerely,



D. Tyler Van Leuven
Staff Attorney

DTV/dm

cc: Division of Records and Reporting
Division of Regulatory Oversight (Clapp, Redemann, Messer)
F. Marshall Deterding, Esquire

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