LAW OFFICES

### ORIGINAL

### ROSE, SUNDSTROM & BENTLEY, LLP

2548 Blairstone Pines Drive Taliahassee, Florida 32301

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ROBERT M. C. ROSE, (1924-2006)

(850) 877-6555 Fax (850) 656-4029 www.rsbattorneys.com

March 15, 2007

#### VIA HAND DELIVERY

Blanca S. Bayo, Director Division of the Commission Clerk and Administrative Services Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850

Re: Mad Hatter Utility, Inc.; PSC Docket No. 041342-WU and 021215-WS

Application for Amendment of Certificates

Our File No. 28023.16

Dear Ms. Bayo:

As a result of discussions with Pasco County and their filing of the "Pasco County's Objection to Application for Amendment of Certificate" submitted to the Commission on March 1, 2007, we at Mad Hatter have gone back and analyzed the legal description with which Pasco County took issue and have determined that they are correct, that there was an error in the legal description of the parcel identified as "Parcel 1" on the notice. This was intended to reflect the legal description of the parcel located on Livingston and shown on Exhibit "B" to the settlement letter dated January 8, 2007.

Mad Hatter Utility, Inc. enlisted the assistance of a surveyor who has now developed a corrected legal description of this parcel. The corrected legal description is attached hereto, along with a sketch of the parcel and a letter from the surveyor outlining the differences.

As noted in the surveyor's letter and sketch, the parcel as correctly described in the attached legal description contains a smaller area of land than that which was described in the original notice or in the original application. The correction of this legal description therefore constitutes a restrictive amendment to the application as filed in Docket No. 041342-WU and should be incorporated into the Agreement between Mad Hatter Utility, Inc. and Pasco County, dated January 8, 2007 and submitted under cover letter to Jennifer Brubaker, dated January 1702207 T NUMBER-DATE RECEIVED & FILED

P. V.N.

02376 MAR 15 %

CENTRAL FLORIDA OFFICE
SANLANDO CENTER
2180 WEST STATE ROAD 434
SUITE 2118
LONGWOOD, FLORIDA 32779
(407) 830-6331
FAX (407) 830-8522

MARTIN S. FRIEDMAN, P.A.
VALERIE L. LORD
BRIAN J. STREET

OOM J. S

Blanca S. Bayo, Director March 15, 2007 Page 2

Based upon these changes, and the County's agreement with the attached surveyor's letter and sketch which has now been received, the County should withdraw their protest to the notice and the Commission should move forward with final approval of the Agreement between the parties.

In addition, attached is the Affidavit of Publication of noticing and two Affidavits of Mailing Notice of the extension of territory for Mad Hatter for the parcels that were not previously noticed as part of Docket No. 041342-WU or 021215-WS.

If you have any questions or need any further information, please let me know. We request that the Commission expeditiously move forward with final approval of this matter, as such approval is a prerequisite to resolution of proceedings in other courts which are currently on short extensions to resolve.

Sincerely,

ROSE, SUNDSTROM & BENTLEY, LLP

F. Marshall Deterding

For The Firm

FMD/tms

cc: Marion Hale, Esq.

Jennifer Brubaker, Esq.

Tom Walden

## MORRIS SURVEYING, INC. Surveying and Mapping



March 6, 2007

Larry DeLucenay Mad Hatter Utility, Inc. 2348 Raden Drive Land O' Lakes, FL 34639

Re:

Mad Hatter Utility, Inc.

Our File No. 28023.16

Dear Larry:

I have reviewed the attached notice utilized by Mad Hatter Utility in a recent mailing and publication and the comments from Pasco County's surveyors and attorneys, concerning an error in that legal description. I have concluded that the County comments concerning this error are accurate. The error occurred in the less and except portion of Parcel 1 where the second of seven courses outlined therein is slightly off and therefore, the description does not close as described therein. The second course should read: "S.00°43' 23"W."

I have attached a sketch of the incorrect and the correct description showing how they differ. This is not a survey. However, it does show that the less and except portion will close with this minor change to the description. To the extent that the old description did close (which it did not), it would have described a larger area than the correct description would have reflected. Since this was in the less and except portion of the description, the description of Parcel 1 as included in the original notice and application was in fact larger and encompassed the corrected description (plus more). The difference was a triangular area of approximately .01 of an acre, or 645 square feet.

If you have any questions, please let me know.

Sincerely,

Kemp Morris, PLS 2878

WILL Ma

President, Morris Surveying, Inc.

# MORRIS SURVEYING, INC. Surveying and Mapping



### CORRECTED DESCRIPTION (March 8.2007)

#### Parcel 1

A portion of the North 696 feet of the West 437.5 feet of the Northwest 1/4 of the Northeast ¼ of Section 32, Township 26 South, Range 19 East, Pasco County Florida, abounded and described as follows Commence at the Northeast corner of said tract and run South 396 feet for a Point of Beginning: thence from said point

The following six (6) courses:

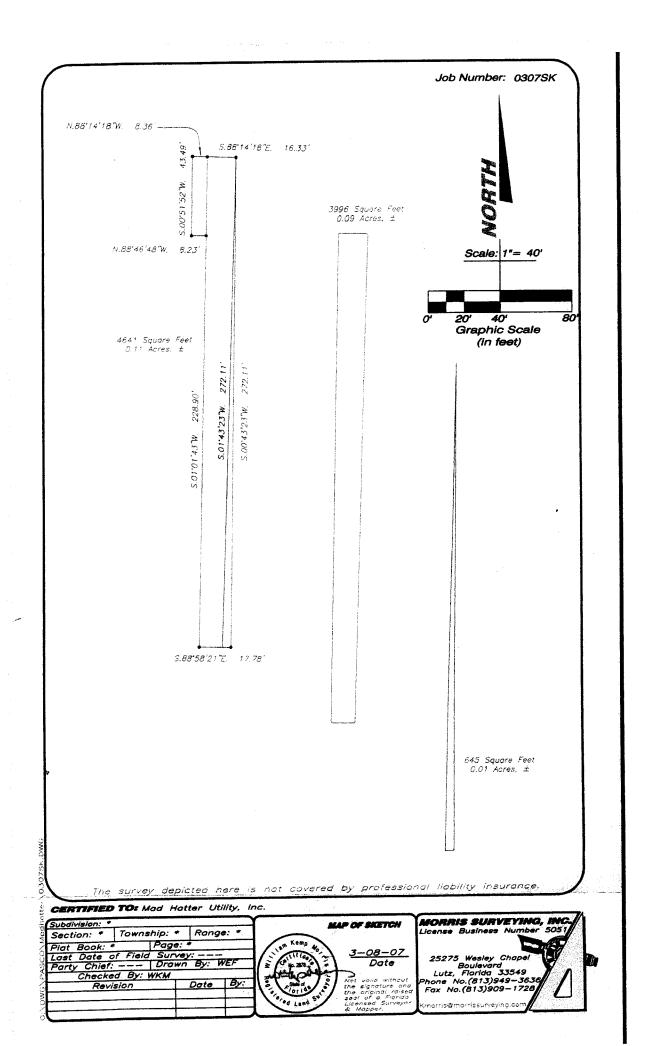
- 1.) \$ 01°01'43" W, 300.00 feet
- 2.) N 88°58'21" W, 437.29 feet
- 3.) N 01°01'43" E, 272.31 feet
- 4.) S 88°14'18" E, 242.50 feet
- 5.) N 01°01'43" E, 27.96 feet
- 6.) S 88°58'21" E, 194.81 feet; to the aforementioned Point of Beginning:

### Less and except the following:

A portion of the Northeast ¼ of the Northwest ¼ and a portion of the Northwest ¼ of the Northeast ¼ of Section 32 Township 26 South, Range 19 East, Pasco County, Florida, described as follows:

Commence at the North ¼ of Section 32, Township 26 South, Range 19 East, and run South 01°01'43'W, a distance of 423.59 feet along the West boundary of the Northwest 1/4 of the Northeast 1/4 of Section 32 to the Point of Beginning. thence from said Point of Beginning the following seven (7) courses:

- 1.) S 88°14'18"E, 16.33 feet
- 2.) S 00°43'23"W, 272.11 feet
- 3.) N 88°58'21" W, 17.78 feet
- 4.) N 00°01'43" E, 228.90 feet
- 5.) N 88°46'48" W. 8.23 feet
- 6.) N 00°51"52' E, 43.49 feet
- 7.) S 88°14'18" E, 8.36 feet the aforementioned Point of Beginning.



### The Tampa Tribune

**Published Daily** 

Tampa, Hillsborough County, Florida

State of Florida County of Hillsborough SS.

Before the undersigned authority personally appeared C. Pugh, who on oath says that she is the Advertising Billing Supervisor of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of the

Legal Ads IN THE TT Pasco

In the matter of

Legal Notices

was published in said newspaper in the issues of

02/15/2007

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

Sworn to and subscribed by me, this 15 day of February, A.D. 2007 Ana Maria Hodel Personally Known V or Produced Identification ្តែ៖Commission #DD551367 Type of Identification Produced \_ Expires: MAY 11, 2010 www.AARONNOTARY.com

LEGAL NOTICE OF APPLICATION FOR AMENDMENT OF CERTIFICATES

Pursuant to the provisions of Section 367.045, Florida Statutes, and the provisions of Florida Public Service Commission Rule 25-30.036(2), Notice is hereby given this 15th day of February, 2007 by Mad Hatter Utility, Inc., 2348 Raden Drive, Land O'Lakes, Florida 34639, of its Application in Docket Nos. 041342-WU and 921215-WS to extend its service area to provide water and wastewater service to the following described lands in Pasco County, Florida:

Parcel 1

portion of the north 696 feet of the West 7.5 feet of the north west 1.74 of the ortheorthwest 1.75 of the orthwest 1.75 of the orthwest

LESS AND EXCEPT THE FOLLLOWING:

Parcel 3 SOUTH 1/2 OF NW 1/4 OF NW 1/4 (01) OF NW 1/4 OF SE 1/4 OF SEC EXC WEST 3/4 OF SEC EXC WEST 3/4 OF SEC EXC WEST 1/4 OF

7223 2/45/07

### Territory Extension Notice

### **AFFIDAVIT**

I, Tonya Simpson, secretary of F. Marshall Deterding, attorney for Mad Hatter Utility, Inc., do hereby certify and swear that I mailed the attached Notice to all the property owners within the territory affected by the proposed extension on this 14th day of February, 2007, in accordance with the requirements of PSC Rule 25-30.030, Florida Administrative Code.

STATE	OF	FLORIDA	)
COUNTY	OF	Leon	)

The foregoing instrument was acknowledged before me this  $\frac{\sqrt{s}}{\sqrt{s}}$ day of March, 2007 by Tonya Simpson, who is personally known to me.

Notary Public

State of Florida at Large

My Commission Expires:



### AFFIDAVIT OF MAILING

STATE OF FLORIDA

COUNTY OF LEON

Before me, the undersigned authority, authorized to administer oaths and take acknowledgments, personally appeared TONYA M. SIMPSON who, after being duly sworn on oath, did depose on oath and say that she is the secretary of F. Marshall Deterding, attorney for Mad Hatter Utility and that on February 5, 2007 she did send by regular mail, a copy of the notice attached hereto to each of the utilities, governmental bodies, agencies, or municipalities, in accordance with the list provided by the Florida Public Service Commission, which is also attached hereto.

FURTHER AFFIANT SAYETH NAUGHT.

Tonya M. Simpson

Sworn to and subscribed before me this  $\frac{(51h)}{100}$  day of March, 2007, by Tonya M. Simpson who is personally known to me.

Deint Name Jacquelyn M. Tribble NOTARY PUBLIC

My Commission Expires:

Jacquelyn M. Tribble
MY COMMISSION # DD203915 EXPIRES
June 5, 2007
BONDED THRU TROY FAIN INSURANCE INC

### LEGAL NOTICE OF APPLICATION FOR AMENDMENT OF CERTIFICATES

Pursuant to the provisions of Section 367.045, Florida Statutes, and the provisions of Florida Public Service Commission Rule 25-30.036(2), Notice is hereby given this 5<sup>th</sup> day of February, 2007 by Mad Hatter Utility, Inc., 2348 Raden Drive, Land O'Lakes, Florida 34639, of its Application in Docket Nos. 041342-WU and 021215-WS to extend its service area to provide water and wastewater service to the following described lands in Pasco County, Florida:

Parcel 1

A PORTION OF THE NORTH 696 FEET OF THE WEST 437.5 FEET OF THE NORTHWEST 1/4

OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 26 SOUTH, RANGE 19 EAST, PASCO COUNTY
FLORIDA BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF
SAID TRACT AND RUN SOUTH 396 FEET FOR A POINT OF BEGINNING; THENCE FROM SAID POINT
THE FOLLOWING SIX (6) COURSES:

1) S 01:01'43'W, 300.00 FEET;
2) N 88:58'21'W, 437.29 FEET;
3) N 01:01'43'E, 272.31 FEET;
4) S 88:14'18"E, 242.50 FEET;
5) N 01:01'43'E, 27.96 FEET;
6) S 88:58'21'E, 194.81 FEET; TO THE
AFOREMENTIONED POINT OF BEGINNING.

A PORTION OF THE NORTHEAST ONE QUARTER (NE 1/4) OF THE NORTHWEST ONE QUARTER (NW 1/4) AND A PORTION OF THE NORTHWEST ONE QUARTER (NW 1/4) OF THE NORTHEAST ONE GLARTER (NE 1/4) OF SECTION 32, TOWNSHIP 26 SOUTH, RANGE 19 EAST, PASCO COUNTY FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH ONE QUARTER CORNER (N 1/4) OF SECTION 32,

TOWNSHIP 26 SOUTH, RANGE 19 EAST AND RUN SOTO1'43"W, A DISTANCE OF 423.59 FEET ALONG THE WEST BOUNDARY OF THE NORTHWEST ONE QUARTER (NW 1/4) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 32

TO THE POINT OF BEGINNING. THENCE FROM SAID POINT OF BEGINNING THE FOLLOWING SEVEN (7) COURSES:

1) 5 88.14'18"E, 16.33 FEET;

2) S 01.43'23"W, 272.11 FEET;

2) S 01'43'23'W, 272.11 FEET; 4) N 00'01'43"E, 225.90 FEET; 6) N 00'51'52"E, 43.49 FEET;

5) N 88'46'48'W, 8.23 FEET; 7) 5 88'14'18'E, 8.36 FEET;

THE AFOREMENTIONED POINT OF BEGINNING.

Parcel 2

Section 32, Township 26 South, Range 19 East

Pasco County, Florida

NORTH 1/2 OF THE SW1/4 OF THE NW1/4 OF NW1/4 OF SE1/4 OF SECTION 32 LESS WEST 30 FT FOR ROAD RIGHT-OF-WAY FOR LIVINGSTON ROAD OR 5819 PG 1993

Parcel 3

SOUTH 1/2 OF NW1/4 OF NW1/4 (O1) OF NW1/4 OF SE1/4 OF SEC EXC WEST 30.00 FT FOR ROAD R/W FOR LIVINGSTON RD OR 5706 PG 1981

Parcel 4

EAST 1/2 OF NW1/4 OF NW1/4 OF SE1/4 OR 1266 PG 1843 OR 3829 PG 969 OR 6346 PG 619

Any objection to the said application must be made in writing and filed with the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within thirty (30) days from the date of this notice and should reference Docket Nos. 041342-WU and 021215-WS. At the same time, a copy of said objection should be mailed to the applicant whose address is set forth below. The objection must state the grounds for the objection with particularity.

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

### LIST OF WATER AND WASTEWATER UTILITIES IN PASCO COUNTY (VALID FOR 60 DAYS) 02/02/2007 - 04/02/2007

**UTILITY NAME** 

**MANAGER** 

#### PASCO COUNTY

ALLEN LAFORTUNE AND OTIS FONDER (WU556) 36645 SUNSHINE ROAD ZEPHYRHILLS, FL 33541-1182

ALLEN LAFORTUNE (813) 782-6929

ALOHA UTILITIES, INC. (WS001) 6915 PERRINE RANCH ROAD NEW PORT RICHEY, FL 34655-3904 STEPHEN G. WATFORD (727) 372-0115

AQUA UTILITIES FLORIDA, INC. (WS883) 762 WEST LANCASTER AVENUE BRYN MAWR, PA 19010-3402 KATHY L. PAPE (610) 645-1142

C. S. WATER COMPANY, INC. (WU030) P. O. BOX 40 CRYSTAL SPRINGS, FL 33524-0040 CLYDE A. BISTON (813) 783-2984 (OFFICE)

COLONIAL MANOR UTILITY COMPANY (WU894) P. O. BOX 398 NEW PORT RICHEY, FL 34656-0398

GARY DEREMER (727) 848-8292 EXT 202

CRESTRIDGE UTILITY CORPORATION (WU049) 4804 MILE STRETCH DRIVE HOLIDAY, FL 34690-4358

JUDY RIVETTE (727) 937-6275

DIXIE GROVES UTILITY COMPANY A DIVISION OF COMMUNITY UTILI (WU865) P. O. BOX 398 NEW PORT RICHEY, FL 34656-0398

GARY DEREMER (727) 848-8292 EXT 202

HOLIDAY GARDENS UTILITIES, INC. (WU109) 4804 MILE STRETCH DRIVE HOLIDAY. FL 34690-4358 JUDY RIVETTE (727) 937-6275

HOLIDAY UTILITY COMPANY, INC. (WU111) P. O. BOX 398 NEW PORT RICHEY, FL 34656-0398 GARY DEREMER (727) 848-8292 EXT 202

HUDSON UTILITIES, INC. (SU114) 14334 OLD DIXIE HIGHWAY HUDSON, FL 34667-1134 MATHEW GRIFFIN (727) 863-0205

HV UTILITY SYSTEMS, L.L.C. (SU866) % EQUITY LIFESTYLE PROPERTIES, INC. TWO NORTH RIVERSIDE PLAZA, SUITE 800 CHICAGO, IL 60606-2682 DAVID W. FELL (312) 279-1652

### LIST OF WATER AND WASTEWATER UTILITIES IN PASCO COUNTY (VALID FOR 60 DAYS) 02/02/2007 - 04/02/2007

**UTILITY NAME** 

MANAGER

#### **PASCO COUNTY**

KEMPLE WATER COMPANY (WU132) 37502 MARCLIFF TERRACE ZEPHYRHILLS. FL 33541-8451 RICHARD KEMPLE (813) 782-2972

L W V UTILITIES, INC. (WU135) 7552 CONGRESS STREET, SUITE 4 NEW PORT RICHEY, FL 34653-1106 JAMES C. WEEKS (727) 849-9389

LABRADOR UTILITIES, INC. (WS851) 200 WEATHERSFIELD AVENUE ALTAMONTE SPRINGS, FL 32714-4027 PATRICK C. FLYNN (407) 869-1919

LINDRICK SERVICE CORPORATION (WS149) P. O. BOX 1176 NEW PORT RICHEY, FL 34656-1176 HELEN L. MCNEIL (727) 848-1165

MAD HATTER UTILITY, INC. (WS155) 2348 RADEN DRIVE LAND O' LAKES, FL 34639-5136 LARRY G. DELUCENAY (813) 949-2167 OR -5977

ORANGELAND WATER SUPPLY (WU179) 2109 OVERVIEW DRIVE NEW PORT RICHEY, FL 34655-4131 FRED J. SNELL (727) 372-8330

ORANGEWOOD LAKES SERVICES, INC. (WS180) 7602 CONGRESS STREET, SUITE 4 NEW PORT RICHEY, FL 34653-1107

ALFRED G. HEILER (727) 849-9555

PARADISE LAKES UTILITY, L.L.C. (WS446) 2348 RADEN DRIVE LAND O' LAKES, FL 34639-5136 JANICE L. DELUCENAY (813) 949-2167

PASCO UTILITIES, INC. (WU190) P. O. BOX 4118 TAMPA, FL 33677-4118

LIONEL LLANES (813) 877-8330

SILVER FOX UTILITY COMPANY LLC D/B/A TIMBERWOOD UTILITIES (WS896) 36323 ARBOR OAKS DRIVE ZEPHYRHILLS, FL 33541-2031

GARY MORSE (352) 357-1636

UTILITIES, INC. OF FLORIDA (WU372) 200 WEATHERSFIELD AVENUE ALTAMONTE SPRINGS, FL 32714-4027 PATRICK C. FLYNN (407) 869-1919

### LIST OF WATER AND WASTEWATER UTILITIES IN PASCO COUNTY (VALID FOR 60 DAYS) 02/02/2007 - 04/02/2007

**UTILITY NAME** 

**MANAGER** 

### PASCO COUNTY

UTILITIES, INC. OF FLORIDA (SU640) 200 WEATHERSFIELD AVENUE ALTAMONTE SPRINGS, FL 32714-4027 PATRICK C. FLYNN (407) 869-1919

VIRGINIA CITY UTILITY COMPANY A DIVISION OF COMMUNITY UTIL (WU864) P. O. BOX 398

NEW PORT RICHEY, FL 34656-0398

**GARY DEREMER** (727) 848-8292 EXT 202

### LIST OF WATER AND WASTEWATER UTILITIES IN PASCO COUNTY (VALID FOR 60 DAYS) 02/02/2007 - 04/02/2007

<u>UTILITY NAME</u> <u>MANAGER</u>

#### **GOVERNMENTAL AGENCIES**

CLERK, BOARD OF COUNTY COMMISSIONERS, PASCO COUNTY 38053 LIVE OAK AVENUE DADE CITY, FL 33525

DEP SOUTHWEST DISTRICT 3804 COCONUT PALM DRIVE TAMPA. FL 33618-8318

MAYOR, CITY OF DADE CITY P. O. BOX 1355 DADE CITY, FL 33526-1355

MAYOR, CITY OF NEW PORT RICHEY 5919 MAIN STREET NEW PORT RICHEY, FL 34652

MAYOR, CITY OF PORT RICHEY ATTN: CITY CLERK 6333 RIDGE ROAD PORT RICHEY, FL 33668-6746

MAYOR, CITY OF SAN ANTONIO 32819 PENNSYLVANIA AVENUE P. O. BOX 75 SAN ANTONIO, FL 33576-0075

MAYOR, CITY OF ST. LEO P. O. BOX 2479 ST. LEO, FL 33574-2479

MAYOR, CITY OF ZEPHYRHILLS 5335 8TH STREET ZEPHYRHILLS, FL 33540-5133

MIKE WELLS, PASCO COUNTY PROPERTY APPRAISER 38053 LIVE OAK AVENUE, SUITE 211 P. O. BOX 401 DADE CITY, FL 33526-0401

PASCO COUNTY ADMIN., 7530 LITTLE ROAD PUBLIC WORKS UTILITY BUILDING NEW PORT RICHEY, FL 34654

S.W. FLORIDA WATER MANAGEMENT DISTRICT 2379 BROAD STREET BROOKSVILLE, FL 34609-6899

## LIST OF WATER AND WASTEWATER UTILITIES IN PASCO COUNTY (VALID FOR 60 DAYS) 02/02/2007 - 04/02/2007

**UTILITY NAME** 

**MANAGER** 

### **GOVERNMENTAL AGENCIES**

TAMPA BAY REGIONAL PLANNING COUNCIL 4000 GATEWAY CENTRE BLVD., SUITE 100 PINELLAS PARK, FL 33782

## LIST OF WATER AND WASTEWATER UTILITIES IN PASCO COUNTY (VALID FOR 60 DAYS) 02/02/2007 - 04/02/2007

<u>UTILITY NAME</u> <u>MANAGER</u>

### STATE OFFICIALS

STATE OF FLORIDA PUBLIC COUNSEL C/O THE HOUSE OF REPRESENTATIVES THE CAPITOL TALLAHASSEE, FL 32399-1300

DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES FLORIDA PUBLIC SERVICE COMMISSION 2540 SHUMARD OAK BOULEVARD TALLAHASSEE, FL 32399-0850