

Ruth Nettles

090313-PU

From: Tonya Simpson [TSimpson@RSBattorneys.com]
Sent: Friday, January 08, 2010 1:28 PM
To: Filings@psc.state.fl.us
Cc: Timisha Brooks; de.oroark@verizon.com
Subject: DK 090313-PU
Attachments: _0108132252_001.pdf

- a. F. Marshall Deterding, Esquire
Rose, Sundstrom & Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, FL 32301
PHONE: 877-6555
- b. Mad Hatter Utility, Inc./Paradise Lakes Utility, LLC Complaint Against Verizon; Docket No. 090313-PU
- c. Mad Hatter Utility, Inc./Paradise Lakes Utility, LLC
- d. 1 page cover letter and 4 page Prehearing Statement (5 total pages)

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January 8, 2010

VIA ELECTRONIC FILING

Ann Cole, Commission Clerk
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 090313; Complaint of Mad Hatter Utility, Inc., and Paradise Lakes Utility,
LLC against Verizon Florida, Inc.
Our File No. 37098.02

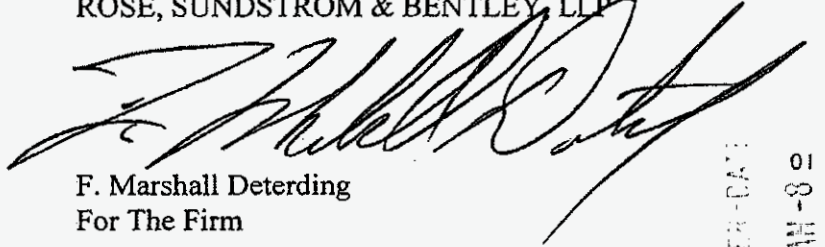
Dear Ms. Cole:

Attached for filing in the above-referenced docket is the Prehearing Statement of Mad Hatter
Utility, Inc. and Paradise Lakes Utility, LLC.

Should you have any questions in this regard, please do not hesitate to contact me.

Sincerely,

ROSE, SUNDBSTROM & BENTLEY, LLP



F. Marshall Deterding
For The Firm

FMD/tms

cc: Timisha Brooks, Esq.
Dulaney L. O'Roark III
Mr. Larry DeLucenay
John L. Wharton, Esq.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Mad Hatter)
Utility, Inc. and Paradise Lakes) Docket No. 090313-PU
Utility, LLC Against Verizon)
Florida, LLC)

MAD HATTER UTILITY, INC. AND
PARADISE LAKES UTILITY, LLC'S PREHEARING STATEMENT

Mad Hatter Utility, Inc. and Paradise Lakes Utility, LLC ("MHU," "PLU," or "Utility") by and through its undersigned counsel hereby files its prehearing statement and states:

A. All Known Witnesses

The Utility intends to call the following witness:

Larry G. DeLucenay

B. All Known Exhibits

The Utility will utilize all exhibits prefiled with its direct testimony and all those prefiled with its rebuttal testimony. The Utility will also use various undetermined exhibits on cross-examination of other witnesses and additional exhibits as necessary.

The Utility may introduce deposition transcripts into evidence, whether designated as exhibits or otherwise.

C. The Utility's Statement of Basic Position

MHU and PLU have been charged with services not provided for over 10 years without any services being provided, and in most cases, without service ever having been requested or approved. Verizon has specifically ignored complaints by the Utility, both in this and other cases, indicating a pattern of activity that demonstrates extremely poor customer service, at a minimum, if not intentional billing for non-existent services. Because MHU and PLU are regulated utilities, they should not only be able to recover all of the overcharges, but in order to prevent their general body of ratepayers from footing the

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bill for these excess charges, but MHU and PLU should be able to recover their legal costs to prevent the bad actions of Verizon from affecting the rates of PLU and MHU's regulated customers, from which those costs will have to be recovered.

D. Issues and Utility's Respective Positions

The following are the only issues identified by the Utility and the only issues authorized pursuant to the PAA and Consummating Order taken together.

ISSUE 1: Can the Florida Public Service Commission grant the relief sought by Mad Hatter and/or Paradise Lakes against Verizon?

POSITION: Yes.

ISSUE 2: Are the claims by Mad Hatter and/or Paradise Lakes against Verizon barred by any legal doctrines?

POSITION: No.

ISSUE 3A: Since January 1, 1994, what products or services that were billed by Verizon to Mad Hatter and/or Paradise Lakes water treatment plants remain in dispute?

POSITION: Services billed but never provided for water plant monitoring from 2007 through July 2009.

ISSUE 3B: Since January 1, 1994, what products or services that were billed by Verizon to Mad Hatter and/or Paradise Lakes lift station locations remain in dispute?

POSITION: Services never requested but billed and not provided for lift station monitoring for Mad Hatter since 1996.

ISSUE 4: What relief, if any, is appropriate to address the

above-referenced dispute between Verizon and Mad Hatter/Paradise Lakes?

POSITION: Refund of all monies billed plus costs of obtaining such recovery.

E. Stipulated Issues

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

F. Pending Matters

There are no pending motions or other matters that the party seeks action upon at this time. However, additional motions and issues may arise between now and the date of the final hearing.

G. Pending Requests or Claims for Confidentiality

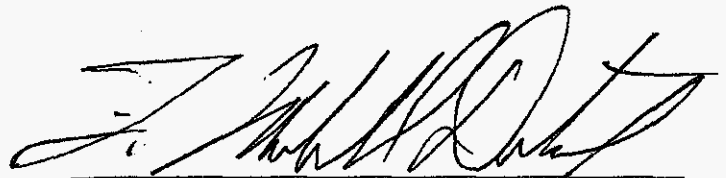
There are currently no pending requests or claims for confidentiality.

H. Requirements that Cannot be Complied With

There are no requirements of Order No. PSC-09-0631-PCO-PU that cannot be complied with at this time.

I. Objections to Witnesses' Qualifications as an Expert

The Utility will object to any opinions presented by the Respondents who do not have the qualifications or knowledge to present such facts and opinions.



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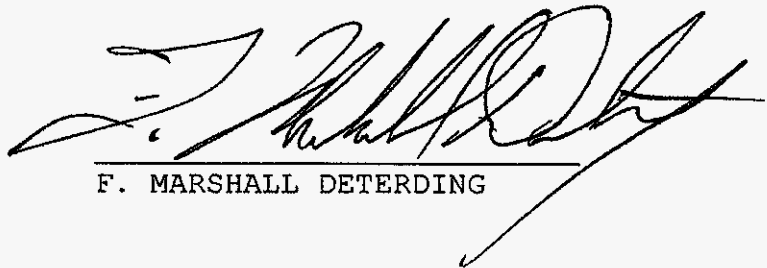
Docket No. 090313-PU

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via Email and U.S. Mail this 8th day of January , 2010, to:

Dulaney L.O'Roark, III
PO Box 110 MC FLTC0007
Tampa, Florida 33601-0110

Timisha Brooks, Esquire
General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399



F. MARSHALL DETERDING