

MEMORANDUM

March 30, 1998

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12:55

FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (OTTINOT, GERVASI) *OTG*

RE: DOCKET NO. 971362-WU - APPLICATION FOR AMENDMENT OF  
CERTIFICATE NO. 340-W IN PASCO COUNTY BY MAD HATTER  
UTILITY, INC.

98-0447-FOF-WU

Attached is an ORDER AMENDING CERTIFICATE TO INCLUDE  
ADDITIONAL TERRITORY, to be issued in the above-referenced docket.

(Number of pages in order - 5)

HO/lw/dr

Attachment

cc: Division of Water and Wastewater (Redemann, Crouch)

I:971362or.ho

1 fax  
0 mail  
2 mail to County Clerks

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for amendment  
of Certificate No. 340-W in  
Pasco County by Mad Hatter  
Utility, Inc.

DOCKET NO. 971362-WU  
ORDER NO. PSC-98-0447-FOF-WU  
ISSUED: March 30, 1998

ORDER AMENDING CERTIFICATE  
TO INCLUDE ADDITIONAL TERRITORY

BY THE COMMISSION:

Background

Mad Hatter Utility, Inc. (Mad Hatter or utility), is a Class A utility located in south central Pasco County, Florida, which is in the Northern Tampa Bay Water-Use Caution Area, as designated by the Southwest Florida Water Management District. Mad Hatter owns and operates water and wastewater systems in three separate communities: Linda Lakes, Foxwood, and Turtle Lakes. According to its 1996 annual report, MHU serves approximately 2,013 water and 1,940 wastewater customers with combined annual operating revenues of \$1,361,504 and a combined net loss of \$77,418. On October 16, 1997 the utility filed an application with this Commission for an amendment of Water Certificate No. 340-W to include additional territory in Pasco County.

Application

The application filed pursuant to Rule 25-30.036(2), Florida Administrative Code, is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for amendment of certificate. The application contains a check in the amount of \$100 which is the correct filing fee pursuant to Rule 25-30.020, Florida Administrative Code. The applicant has provided evidence, in the form of warranty deeds, that the utility owns the land upon which the utility's facilities are located as required by Rule 25-30.036(3)(d), Florida Administrative Code.

Adequate service territory and a territory description have been provided as prescribed by Rule 25-30.036(3)(e), and (i), Florida Administrative Code. A description of the territory requested by the utility is appended to this Order as Attachment A.

DOCUMENT NUMBER-DATE

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The utility has submitted an affidavit consistent with Section 367.045(2)(d), Florida Statutes, that it has tariffs and annual reports on file with the Commission. In addition, the application contains proof of compliance with the noticing provisions set forth in Rule 25-30.030, Florida Administrative Code. No objections to the application have been received and the time for such has expired. The local planning agency was provided notice of the application and did not file an objection. The Department of Environmental Protection has informed our staff that there are no outstanding notices of violation issued for this system.

The utility states that the new territory will not exceed a maximum of 25 ERCs at the time the territory is built out. No other utility is in the area, or is willing and/or capable of providing reasonably adequate service to the territory. The customer has demonstrated to the utility that service is necessary because a private well went dry.

In accordance with Rule 25-30.036(2), Florida Administrative Code, a request for service expansion shall be considered approved if no objection is timely filed to the application. As stated earlier, no objections have been filed and the time for such has expired. Based on the above information, we find that it is in the public interest to acknowledge the application filed by Mad Hatter, to add the additional territory described in Attachment A to Water Certificate No. 340-W.

#### Rates and Charges

Mad Hatter shall charge the customers in the additional territory the rates and charges approved in its tariff until authorized to change by this Commission in a subsequent proceeding. The utility has filed revised tariff sheets and returned its certificate for entry reflecting the additional territory.

Based on the foregoing, it is

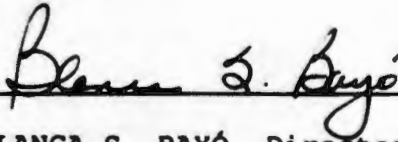
ORDERED by the Florida Public Service Commission that Mad Utility, Inc.'s application for amendment of Certificate No. 340-W, is hereby acknowledged to include the territory described in Attachment A of this Order. It is further

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

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 30th day of March, 1998.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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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 Director, Division of Records and Reporting, 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

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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 Director, Division of Records and reporting 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.

WATER TERRITORY DESCRIPTION - PASCO COUNTY

SERVED FROM THE TURTLE LAKES/TWIN PALMS, AND THE  
HWY 54 WATER TREATMENT PLANTS

**Water Service to Mr. Rick O' Shaughnessy**

Township 26 South, Range 19 East

In Section 32

Parcel "A"

Beginning at a point 618.55 feet East (South 89°58'11" East, assumed) of the Northwest corner of the South ½ of the Northwest 1/4 of the Southeast 1/4 of Section 32, Township 26 South, Range 19 East, run thence South 61°13'06" East, 803.44 feet ± to a point on the West boundary of the Southeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 32; thence run North 00°01'34" West, 391.68 feet ± along said West boundary to the Northeast corner of said Southeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 32; thence run South 89°36'21" West, 704.02 feet ± along the North boundary of the South ½ of the Northwest 1/4 of the Southeast 1/4, to the Point of Beginning. All lying and being in Pasco County, Florida.

Parcel "B"

Beginning at a Point 618.55 feet East (South 89°58'11" East, assumed) of the Northwest corner of the South ½ of the Northwest 1/4 of the Southeast 1/4 of Section 32, Township 26 South, Range 19 East, run thence South 61°13'06" East, 803.44 feet ± to a point on the West boundary of the Southeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 32; thence run South 00°01'34" East, 267.87 feet ± along said West boundary to the Southeast corner of the Southeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 32; thence run South 89°53'58" West, 386.77 feet ± along the South boundary of the Southeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 32, to a point which is South 25°51'00" East, 728.26 feet ± from the Point of Beginning; thence North 25°51'00" West, 728.26 feet ± to the Point of Beginning. All lying and being in Pasco County, Florida.