

BEFORE THE PUBLIC SERVICE COMMISSION

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| In re: Application for amendment of<br>Certificates Nos. 340-W and 297-S to add<br>territory in Pasco County by Mad Hatter<br>Utility, Inc. | DOCKET NO. 021215-WS<br>ORDER NO. PSC-05-0256-PCO-WS<br>ISSUED: March 7, 2005 |
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ORDER GRANTING THIRD MOTION FOR CONTINUANCE AND  
ESTABLISHING NEW CONTROLLING DATES

By Order No. PSC-03-0192-PCO-WS, issued February 7, 2003, a procedural schedule was established setting forth the controlling dates for this docket. New controlling dates were established by Order No. PSC-03-0233-PCO-WS, issued February 19, 2003, and Order No. PSC-03-0841-PCO-WS, issued July 21, 2003. On March 4, 2004, a Motion for Continuance was filed by Mad Hatter Utility, Inc. (Mad Hatter or utility), which was granted by Order No. PSC-04-0299-PCO-WS, issued March 17, 2004. On July 1, 2004, Mad Hatter filed a Second Motion for Continuance, which was granted by Order No. PSC-04-0698-PCO-WS, issued July 19, 2004.

On February 28, 2005, a Third Motion for Continuance (Motion) was filed by Mad Hatter. In support of its Motion, Mad Hatter states that its request for an extension of its certificated service territory necessarily involves the provision of bulk wastewater service from Pasco County (the County). Since the utility's 1992 Bulk Wastewater Treatment Agreement (Agreement) with the County is at issue in this proceeding, Mad Hatter states that it sought clarification of the Federal Court's prior orders and directives such that Mad Hatter's position in this proceeding would be made clear. Mad Hatter states that the Federal Court issued an Order on January 13, 2005, declining to interpret the Agreement beyond its previous injunction. According to Mad Hatter, it must now obtain clarification from a court of competent jurisdiction as to the interpretation of the County's obligation to provide bulk wastewater service under the Agreement. Mad Hatter asserts that interpretation of the Agreement must be obtained prior to proceeding with this docket, as well as future certificate extension applications which will likely involve similar issues. Mad Hatter states that counsel for Pasco County does not oppose this Motion.

Based on the foregoing, the request is reasonable and is hereby granted. Therefore, the following revised dates shall govern this case:

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| 1) | Rebuttal Testimony    | December 12, 2005    |
| 2) | Prehearing Statements | January 23, 2006     |
| 3) | Prehearing Conference | February 6, 2006     |
| 4) | Hearing               | February 22-23, 2006 |

DOCUMENT NUMBER-DATE

02298 MAR-7 05

FPSC-COMMISSION CLERK

5) Briefs

March 23, 2006


Unless authorized by the Prehearing Officer for good cause shown, all discovery shall be completed by February 15, 2006.

Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the Third Motion for Continuance is granted. It is further

ORDERED that the controlling dates established in Order No. PSC-03-0192-PCO-WS, as modified by Order No. PSC-03-0233-PCO-WS, Order No. PSC-03-0841-PCO-WS, Order No. PSC-04-0299-PCO-WS, and Order No. PSC-04-0698-PCO-WS are modified as set forth in the body of this Order. Order No. PSC-03-0192-PCO-WS is affirmed in all other respects.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 7<sup>th</sup> day of March, 2005

  
J. TERRY DEASON  
Commissioner and Prehearing Officer

(SEAL)

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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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.