

STATE OF FLORIDA

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Commissioners:
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DIVISION OF LEGAL SERVICES
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Public Service Commission

January 27, 1997

Ms. Marion Hale, Esquire
Johnson, Blakely, Popel, Bokor,
Ruppel & Burns, P.A.
P. O. Box 1368
Clearwater, FL 34617-1368

Re: Docket No. 960576-WS - Application for amendment of Certificates Nos. 340-W and 297-S in Pasco County by Mad Hatter Utility, Inc.

Dear Ms. Hale:

We are in receipt of your letter dated December 30, 1996, a copy of which is attached. You inquire as to whether the Commission will permit Mad Hatter Utility, Inc., (MHU or utility) to serve the area comprising the Linda Lakes Mobile Home Park (Linda Lakes) before the County determines whether to withdraw its objection to the above-referenced application as it relates to that parcel. In response to your inquiry, I offer the following information. This represents my informal opinion only, and in no way binds the Commission.

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

In accordance with Chapters 120 and 367, Florida Statutes, when a substantially interested person files an objection to a matter at issue in a pending docket and requests a formal hearing thereon, the Commission is thereafter required to make its decision on the matter upon consideration of all of the evidence of record. Therefore, it is my opinion that because the County has protested MHU's application to serve, among other areas, the Linda Lakes parcel, the Commission may not permit MHU to serve that parcel, or any other area for which the utility has requested to serve by way of the application, until after the hearing is held in this docket, as scheduled.

DOCUMENT NUMBER - DATE

01138 JAN 29 97

FPSC-RECORDS/REPORTING

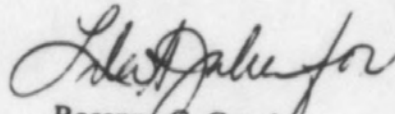
DOCUMENT NUMBER-DATE

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If the County decides to withdraw its protest as it relates to the Linda Lakos parcel, I believe that the Commission staff will be able to separately process, prior to the hearing, the utility's application as to that parcel. Please advise us as soon as possible as to the County's intentions in this regard.

Again, this is my informal legal opinion only. If you have any further questions on this matter, please feel free to call me at (904) 413-6224.

Sincerely,


Rosanne G. Capeless
Senior Attorney

RGC/mw

cc: F. Marshall Deterding, Esquire
Division of Records & Reporting ✓
Division of Water & Wastewater (Brady, Redemann)