



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: February 27, 1997
 TO: Division of Records & Reporting
 FROM: Rosanne G. Capeless, Senior Attorney, Division of Legal Services *RGC*
 RE: Docket No. 960576-WS - Application for amendment of Certificates Nos. 340-W and 297-S in Pasco County by Mad Hatter Utility, Inc.

Please file the attached letter from Karla A. Stetter of the Office of the Pasco County Attorney, dated February 17, 1997, with an attachment (Agreement), in the above referenced docket.

RGC/mw

cc: Division of Water & Wastewater (Brady, Redemann)

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- ENG _____
- LEG _____
- LIN _____
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- RCH _____
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DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

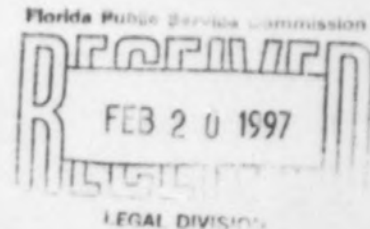


PASCO COUNTY, FLORIDA
Office of the County Attorney

Karla A. Stetter
County Attorney

Peter Wansboro
Bernard M. Telatovich
Teresa E. Parrino
Barbara L. Wilhite
Gregory A. Hass

February 17, 1997



Roseanne Capeless, Esq.
Florida Public Service
Commission
Division of Legal Services
Capitol Circle Office Center
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RE: Lake Linda Circle Corporation/Mad Hatter Utilities, Inc.
Docket No. 960576-WS

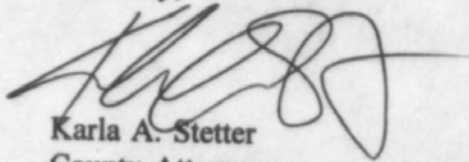
Dear Roseanne:

Pursuant to our previous conversations regarding this matter, please find attached an executed Agreement between Mad Hatter Utility, Inc., Pasco County, and Lake Linda Circle Corporation regarding provision of water and wastewater services by Mad Hatter Utilities to the Lake Linda Mobile Home Park. The Agreement provides that Pasco County Development Services will approve construction plans reflecting potable water distribution services and wastewater collection and treatment services for the Lake Linda Mobile Home Park by Mad Hatter and that Mad Hatter will permit the park to connect to its water system and wastewater collection system/treatment plant at the Linda Lake Groves Subdivision. Also included is a provision providing that both Mad Hatter and the County agree that the existence and terms of this Agreement shall not be asserted by either party against the other as an admission against interest, waiver, estoppel, or in any other manner to gain advantage over the other in the pending application for the expanded areas by Mad Hatter currently under the jurisdiction of the Florida Public Service Commission. I would appreciate it, then, if you would present this item to the Public Service Commission for their approval.

Roseanne Capeless
February 17, 1997
Page 2 of 2

Thank you for your cooperation with this matter. If you have any further questions, please feel free to call me.

Sincerely,



Karla A. Stetter
County Attorney

KAS:tb/c:\legal\letters\capeless.ltr

Attachments

cc: Gerald Buhr, Esquire, PO Box 1647, Lutz, FL 33549-1647
Larry Delucenay, 1900 Land O' Lakes Blvd., #113, Lutz, FL 33549
Don Jengo, 2036 Lake Linda Circle, Lutz, FL 33549
Marion Hale, Esquire, PO Box 1368, Clearwater, FL 34617-1368
John J. Gallagher, County Administrator
Douglas Bramlett, Assistant County Administrator (Utility Services)

AGREEMENT

THIS AGREEMENT, is made entered by and between Pasco County, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY", MAD HATTER UTILITY, INC., a Florida Corporation ("Mad Hatter"), and LAKE LINDA CIRCLE CORPORATION ("Corporation"), with a mailing address of 2036 Lake Linda Circle, Lutz, Florida, 33549, (collectively the "Parties"), as follows:

W I T N E S S E T H:

WHEREAS, Lake Linda Circle Corporation is desirous of receiving water and wastewater service from Mad Hatter for the Lake Linda Mobile Home Park; and

WHEREAS, Mad Hatter is desirous of providing such services; and

WHEREAS, Mad Hatter and Pasco County are presently engaged in administrative proceedings against each other over the provision of water and wastewater services to, among other properties, Lake Linda Mobile Home Park. This litigation is styled as Mad Hatter v. Pasco County, Case No. 94-1473-Civ-T-25E, Lake Heron v. Mad Hatter and Pasco County, Case No. 95-2958CA (Y), and In re Application of Mad Hatter, PSC Docket No. 960576-WS (the "Pending Litigation"); and

WHEREAS, Pasco County previously declined to process the Application for the specific reasons that Lake Linda Mobile Home Park property was outside of Mad Hatter's Public Service Commission certificated service area; and

WHEREAS, the Parties agree that the present disputes between

Mad Hatter and Pasco County should not preclude provision of water and wastewater services to Lake Linda Mobile Home Park via connection to Mad Hatter's wastewater collection system, wastewater treatment plant, and potable water distribution system provided that neither Mad Hatter nor Pasco County uses the fact of such connections as an admission against interest, a waiver, or estoppel, or to otherwise gain advantage over the other of any kind in regard to the Pending Litigation.

NOW, THEREFORE, in consideration of the foregoing recitations, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties stipulate and agree that:

1. Pasco County Development Services will approve construction plans reflecting potable water distribution services and wastewater collection and treatment services for the Lake Linda Mobile Home Park by Mad Hatter.

2. Mad Hatter shall, subject to Lake Linda Circle Corporation's execution of Mad Hatter's Utility Extension and Service Agreement, permit the Lake Linda Mobile Home Park to connect to Mad Hatter's water system and wastewater collection system/treatment plant at the Linda Lake Groves Subdivision.

3. Pasco County and Mad Hatter agree that the existence and terms of this Agreement shall not be asserted by either against the other as an admission against interest, waiver, estoppel, or in any manner to otherwise gain advantage over the other in the Pending Litigation or Pending Application for the expanded areas by Mad

Hatter currently under investigation by the Florida Public Service Commission.

STIPULATED AND AGREED by the parties on the dates set forth below.

MAD HATTER UTILITY, INC.

LAKE LINDA CIRCLE CORPORATION

BY: [Signature]
Larry G. DeLucenay, President

BY: [Signature]
Don Jengo

This 5th day of February, 1997

This 5th day of February, 1997

[SEAL]

KAREN D. TANNER
Notary Public - State of Florida
My Commission Expires JAN 3, 2001
Commission # CC06483

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

BY: [Signature]
JED PITTMAN, CLERK
2/11/97

BY: [Signature]
DAVID H. CLARK, JR.,
CHAIRMAN

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney

BY: [Signature]

This 10th day of February, 1997



OFFICE OF THE COUNTY ATTORNEY
West Pasco Government Center, S-340
7530 Little Road
New Port Richey, FL 34654

PRESORTED
FIRST CLASS



U.S. POSTAGE

00.55

H METER 522684

ROSEANNE CAPELESS, ESQ.
FLA. PUBLIC SVC. COMMISSION
LEGAL SERVICES
25409 SHUMARD OAK BLVD
TALLAHASSEE FL 32399-0850

32399-0850

