



Public Service Commission

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

DATE: April 22, 1997
TO: Division of Records & Reporting
FROM: Rosanne G. Capeless, Senior Attorney, Division of Legal Services *ABC*
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, with an attachment, from Karla A. Stetter, County Attorney, of Pasco County, dated March 27, 1997, in the above referenced docket.

RGC:mw

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

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

DOCUMENT NUMBER-DATE
 04059-APR 22 5
 FPSC-RECORDS/REPORTING



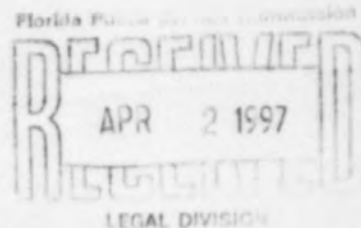
Karla A. Stetter
County Attorney

PASCO COUNTY, FLORIDA
Office of the County Attorney

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

March 27, 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: Reiber Enterprises, Limited/Mad Hatter Utilities, Inc.
Docket Number 960576-WS

Dear Roseanne:

Pursuant to our previous conversations regarding this matter, please find attached an executed agreement between Mad Hatter Utilities, Inc., Pasco County, and Reiber Enterprises, Limited regarding provision of water and wastewater services by Mad Hatter Utilities to the Reiber Enterprises Medical Center. The agreement provides that Pasco County shall promptly process and sign off on Reiber's complete application for construction of a wastewater collection system upon receipt of a completed application. In addition, Mad Hatter agrees to permit Phase II of the Medical Center to connect to their wastewater collection system for ultimate treatment and disposal by either Mad Hatter or Pasco County pursuant to the Bulk Wastewater Treatment Agreement between those two (2) parties.

Finally, 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

KAS:cb/c:\wp60\legal\letters\capelss.ltr

Roseanne Capeless, Esq.

March 31, 1997

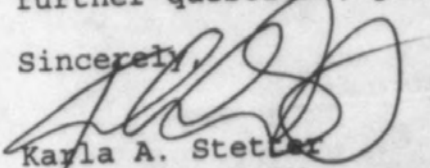
RE: Reiber Enterprises, Limited/Mad Hatter Utilities, Inc.

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appreciate it, then, if you would present this item to the Public Service Commission for their approval.

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

Sincerely,



Karla A. Stettin
County Attorney

KAS/cb
Attachment

cc: Gerald Buhr, Esq., PO Box 1647, Lutz, FL 33549
Larry Delucenay, 1900 Land O'Lakes Blvd., #113, Lutz, FL
33549
David Smolker, Esq., 400 N. Tampa St., Ste. 2400, Tampa, FL
33602
John J. Gallagher, County Administrator
Douglas Bramlett, Assistant County Administrator for Utilities
Services

AGREEMENT



JAN 27 1997

THIS AGREEMENT, made and entered into this ____ day of January, 1997, by and between Pasco County, a political subdivision of the State of Florida (the "County"), Mad Hatter Utility, Inc., a Florida Corporation ("Mad Hatter"), and Reiber Enterprises, Ltd., a Family Limited Partnership, ("Reiber Enterprises"), (collectively the "Parties"), as follows:

WITNESSETH

WHEREAS, Reiber Enterprises is desirous of receiving water, wastewater, and reclaimed water service from Mad Hatter for Phase II of its development known as the Reiber Enterprises Medical Center; and

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

WHEREAS, Mad Hatter and Pasco County are presently engaged in litigation against each other over the provision of water and wastewater services to, among other properties, the Reiber Enterprises Medical Center. 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, Reiber Enterprises previously made application to the State of Florida Department of Environmental Protection for approval for construction of wastewater collection and transmission facilities (the "Application") to permit wastewater flows from Phase II of Reiber Enterprises Medical Center to be pumped through Mad Hatter's wastewater collection system to Pasco County's wastewater transmission and treatment plant system for treatment and disposal; and

WHEREAS, Pasco County previously declined to process the Application for various reasons, including but not limited to Pasco County's allegation that Reiber Enterprises' property was outside of Mad Hatter's Public Service Commission certificated service area (which said allegation Mad Hatter denies); 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 Phase II of the Reiber Enterprises Medical Center via connection to Mad Hatter's wastewater collection system and pumping of wastewater flows through Pasco County's wastewater transmission and treatment plant system provided that neither Mad Hatter nor Pasco County uses the fact of such connection 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.

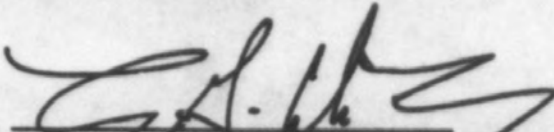
NOW, THEREFORE, in consideration of the foregoing recitations, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties stipulate and agree that:

1. Upon its receipt of Reiber Enterprises' complete Application for Construction of Wastewater Collection System, Pasco County shall promptly process and sign off on same.
2. Mad Hatter shall, subject to Reiber Enterprises' execution of Mad Hatter's water and wastewater Utility Extension and Service Agreement, permit Phase II of the Reiber Enterprises Medical Center to connect to Mad Hatter's wastewater collection system for ultimate treatment and disposal by either Mad Hatter or Pasco County pursuant to the bulk wastewater treatment agreement between Mad Hatter and Pasco County.
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.

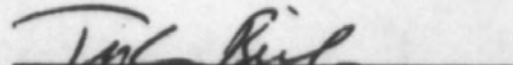
STIPULATED AND AGREED by the parties on the dates set forth below.

MAD HATTER UTILITY, INC.




Larry G. DeLucenay, President
This 30 day of January, 1997

REIBER ENTERPRISES, LTD., a Family
Limited Partnership:



Tyler Reiber, as General Partner
This 25 day of January, 1997

PASCO COUNTY, FLORIDA



David Hap Clark
Chairman, Pasco County Board
of County Commissioners
This ___ day of January, 1997

1997-001630

02/25/97

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OFFICE OF THE COUNTY ATTORNEY

West Pasco Government Center, S-34
7530 Little Road
New Port Richey, FL 34654

PRE-SORTED
FIRST CLASS



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ROSEANNE CAPELESS, ESQ.
FLORIDA PUBLIC SERVICE COMMISSION
DIVISION OF LEGAL SERVICES
CAPITOL CIRCLE OFFICE CENTER
2540 SHUMARD OAK BLVD.
TALLAHASSEE, FL 32399-0850

32399-0850

