

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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FLORIDA PUBLIC SERVICE COMMISSION
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IN RE: APPLICATION OF MAD HATTER
UTILITY, INC. FOR AMENDMENT OF
WATER AND WASTEWATER CERTIFICATES
IN PASCO COUNTY, FLORIDA

DOCKET NO. 960576-WS

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**PASCO COUNTY'S RESPONSE TO
MAD HATTER'S MOTION TO STRIKE
PRE-FILED TESTIMONY OF MICHAEL ORSI
AND CLYDE HOBBY**

Pasco County, through its undersigned counsel, hereby responds to Mad Hatter Utility's motion to strike the pre-filed testimony of Michael Orsi and Clyde Hobby as follows:

1. Mad Hatter mistakenly contends that Pasco County offered the testimony of Michael Orsi and Clyde Hobby to provide a forum for Sunfield Homes to contest the propriety of Mad Hatter's proposed developer agreement. This contention is in error.

2. Mr. Hobby testified in his pre-filed testimony that Sunfield Homes refused to enter into a contract with Mad Hatter because Mad Hatter refused to guaranty service and sought to require Sunfield Homes to loan Mad Hatter \$93,000.00 at a low interest rate so that Mad Hatter could build the infrastructure to provide service. Mr. Hobby's

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testimony thus goes to the issues of whether Mad Hatter has the financial and technical ability to provide service. It also addresses the issue of whether it is in the public interest to extend Mad Hatter's territory.

3. Mr. Hobby's testimony also disputes Mad Hatter's contention in this litigation that Pasco County has arbitrarily extended service in an attempt to thwart Mad Hatter. Instead, the only time in which the County has provided service within Mad Hatter's PSC certificated territory was to a customer who refused to enter into a contract with Mad Hatter on the advice of its counsel.

4. The testimony of Michael Orsi, the principal of Sunfield Homes, Inc., also addresses the issue of Mad Hatter's ability to provide water service. Mr. Orsi testified that Mad Hatter told him that Mad Hatter told him that it could not provide water service to his project unless he lent the company \$100,000.00 to drill two water wells on Sunfield Homes' property.

5. Mr. Orsi's testimony also addresses the public interest issue. Motivated solely by greed, Mad Hatter prevented the opening of a new school, Denham Oaks Elementary School, forcing school children onto double

sessions which began at 6:00 a.m. To relieve that problem, the County agreed to provide service to the school. Thus, Mad Hatter does not have the ability to provide water and sewer service to a project, it has acted contrary to the public interest.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy hereof has been served upon Roseanne Capeless, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399, and F. Marshall Deterding, Rose Sundstrum & Bentley, 2548 Blairstone Pines Drive, Tallahassee, Florida 32301, by regular U.S. mail this 29th day of April, 1997.

JOHNSON, BLAKELY, POPE,
BOKOR, RUPPEL & BURNS, P.A.

By: 

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