

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of : DOCKET NO. 960576-WB
: Application for amendment of :
: Certificates Nos. 340-W and :
: 297-S in Pasco County by :
: Mad Hatter Utility, Inc. :



SECOND DAY - MORNING SESSION
VOLUME 3
Pages 305 through 452

PROCEEDINGS: HEARING

BEFORE: COMMISSIONER J. TERRY DEASON
COMMISSIONER SUSAN F. CLARK
COMMISSIONER DIANE K. KIESLING

DATE: Wednesday, May 14, 1997

TIME: Commenced at 9:00

PLACE: Land O'Lakes Community Center
5401 Land O'Lakes Boulevard
Land O'Lakes, Florida

REPORTED BY: ROWENA NASH
Official Commission Reporter
(904) 413-6736

APPEARANCES:
(As heretofore noted.)

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P R O C E E D I N G S

(Hearing reconvened at 9:00 a.m.)

(Transcript follows in sequence from

Volume 2.)

COMMISSIONER DEASON: Call the hearing to order. Ms. Hale.

MS. HALE: Before we get started we have one problem I need to bring to the Commission's attention.

COMMISSIONER DEASON: Okay. Speak into the microphone, please.

MS. HALE: Before we get started I have to bring one matter to the Commission's attention. One of our witnesses, Clyde Hobby, injured his back last night and he is bedridden. We have two possibilities of how to deal with this situation. One would be to have him testify by speaker phone from home where he is in bed. The other would be to transport him by ambulance over here on a bed.

I want to defer to whatever the Commission -- I have brought this to Mr. Deterding's attention first thing this morning when we came in -- and whatever the Commission wishes. I think Mr. Hobby would prefer to be able to do it by telephone, but if the Commission doesn't want to do that, we understand, but we do need to address this in some

1 fashion.

2 COMMISSIONER DEASON: Mr. Deterding?

3 MR. DETERDING: I don't have a problem with
4 doing Mr. Hobby by phone. I just didn't know we had
5 access to one.

6 COMMISSIONER DEASON: The problem is it
7 would be fine if we have a way of tying the telephone
8 into the system so that it can be heard and so the
9 court reporter can record it.

10 MS. HALE: I have asked my office to deliver
11 by courier this morning a speaker telephone up here.
12 I don't know anything about audio equipment, and I'm
13 not even qualified to tell you whether that could be
14 done. I have no idea. I learned about this problem
15 about 20 minutes ago and haven't had a lot of time to
16 think about it.

17 COMMISSIONER DEASON: Well, in the meantime,
18 let's explore that possibility. I understand that the
19 next scheduled witness is Mr. Bramlett and that he
20 will be on the stand for some time. That may give you
21 an opportunity to explore the possibilities.

22 We certainly don't have a problem doing it
23 by telephone if we can tie into the system so that
24 everyone can hear and, most importantly, so that the
25 court reporter can take down the testimony and the

1 cross examination.

2 MS. HALE: Okay. Thank you.

3 MS. CAPELESS: Commissioner Deason, I'd like
4 to bring to your attention that Mr. Milton Martinez is
5 here this morning as well. He's the DEP witness that
6 was unable to be here yesterday. And he's here this
7 morning and able to testify. If possible, we'd like
8 to take him up this morning at some point so that he
9 can get back to work.

10 COMMISSIONER DEASON: Is there any objection
11 to taking Mr. Martinez at this point?

12 MR. DETERDING: Not from us.

13 MS. HALE: No objection.

14 COMMISSIONER DEASON: Very well.

15 MS. HALE: We also have one witness who
16 needs to be taken this morning, Keith Templeman.
17 He's a very short witness. I don't believe he's here
18 now, but sometime later in the morning perhaps if
19 we -- if the others, Staff and Mr. Deterding don't
20 object, if we could take him out of order.

21 COMMISSIONER DEASON: Just advise me when
22 he's available and when would be a convenient time.

23 MS. HALE: Thank you.

24 COMMISSIONER DEASON: Ms. Capeless?

25 MS. CAPELESS: Staff calls Mr. Martinez. I

1 don't believe the witness has been sworn in.

2 **COMMISSIONER DEASON:** Okay. Please stand
3 and raise your right hand. (Witness sworn.) Please
4 be seated.

5 Let me ask a question. There was a lady
6 that spoke to us yesterday, indicated that she wanted
7 to address the Commission sometime this morning. Is
8 she here? Okay. Would you please stand and raise
9 your right hand, and after we do Mr. Martinez, we'll
10 take you as well.

11 (Witness sworn.)

12 **COMMISSIONER DEASON:** Thank you.

13 - - - - -

14 **MILTON MARTINEZ**
15 was called as a witness on behalf of Pasco County and,
16 having been duly sworn, testified as follows:

17 **DIRECT EXAMINATION**

18 **BY MS. CAPELESS:**

19 **Q** Mr. Martinez, would you please state your
20 full name for the record?

21 **A** Milton J. Martinez.

22 **Q** And are you the same Milton J. Martinez who
23 caused to be filed in this docket some direct
24 testimony consisting of five pages?

25 **A** Yes.

1 Q Do you have any changes or corrections to
2 make to your testimony?

3 A No.

4 Q If I were to ask you the same questions as
5 posed in your testimony, would your answers be the
6 same today?

7 A Yes.

8 MS. CAPELESS: Commissioner Deason, may we
9 have Mr. Martinez' testimony inserted into the record
10 as though read?

11 COMMISSIONER DEASON: Without objection, it
12 shall be so inserted.

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DIRECT TESTIMONY OF MILTON MARTINEZ

1 |
2 | Q. Please state your name and business address.

3 | A. Milton Martinez; Florida Department of Environmental Protection, 3804
4 | Coconut Palm Drive, Tampa, Florida 33619.

5 | Q. Please state a brief description of your educational background and
6 | experience.

7 | A. I hold B.S. and M.S. degrees in Civil Engineering from the University
8 | of South Florida.

9 | Q. By whom are you presently employed?

10 | A. I am employed by the Florida Department of Environmental Protection
11 | (DEP).

12 | Q. How long have you been employed with the DEP and in what capacity?

13 | A. Two years and four months as a permitting engineer with the Drinking
14 | Water Program.

15 | Q. What are your general responsibilities at the DEP?

16 | A. My responsibilities include review of permit applications, cross-
17 | connection and auxiliary power plans. I supervise the well GPS program, and
18 | am a safety committee representative.

19 | Q. Are you familiar with Pasco County's water treatment systems?

20 | A. Yes.

21 | Q. Please list the water treatment systems that Pasco County (County or
22 | utility) provides water service from in the Land O'Lakes/Central South Pasco
23 | County area/State Road No. 54 area.

24 | A. Pasco County has the following water treatment system: PCUD South
25 | Central Water System.

- 1 Q. Does the County have a current operating permit from the DEP for this
2 water system?
- 3 A. The Drinking Water Program does not issue operating permits. However,
4 there are several distribution system permits that are active.
- 5 Q. Are the utility's wells, treatment facilities and distribution system
6 sufficient to serve its present customers?
- 7 A. Yes.
- 8 Q. Does the utility have adequate auxiliary power source in the event of
9 a power outage?
- 10 A. Yes.
- 11 Q. Are the utility's water wells in a location which complies with Section
12 62-555.312, Florida Administrative Code?
- 13 A. Yes, to the best of my knowledge.
- 14 Q. Has the utility established a cross-connection control program in
15 accordance with Section 62-555.360, Florida Administrative Code?
- 16 A. Yes.
- 17 Q. What immediate, near-term, or long-range actions do you foresee that the
18 utility needs to accomplish in order to accommodate current and future
19 customers?
- 20 A. Long term: addition of elevated storage or additional ground storage
21 with high service pumps.
- 22 Q. What is the current number of connections that the utility is able to
23 accommodate while still maintaining compliance with all regulations?
- 24 A. Approximately 4,400 connections.
- 25 Q. Approximately how many additional customers could the utility's

1 | treatment facilities and distribution system adequately serve?

2 | A. Approximately 1,500 additional service connections.

3 | Q. Are the plant and distribution systems in compliance with all the other
4 | provisions of Chapter 62, Florida Administrative Code, not previously
5 | mentioned?

6 | A. Yes, to the best of my knowledge.

7 | Q. If the County applied for another construction permit which was in
8 | compliance with all applicable DEP statutes and rules, is there any reason DEP
9 | might not issue the permit?

10 | A. No.

11 | Q. Are you familiar with Mad Hatter Utility, Inc. (Mad Hater or utility)
12 | in Pasco County?

13 | A. Yes.

14 | Q. Please list the water treatment facilities from which Mad Hatter
15 | provides water service.

16 | A. Mad Hatter has the following water treatment facilities: 1. Linda Lakes
17 | WTP; 2. Cypress Cove Phase-I WTP (also known as the Foxwood WTP); 3. Cypress
18 | Cove Phase-II WTP; 4. Turtle Lakes-Phase I WTP (also known as the Twin Palms
19 | WTP); 5. Turtle Lakes-Phase II WTP (also known as Highway 54 WTP); 6.
20 | Carpenter's Run WTP.

21 | Q. Does the utility have current operating permits from the DEP for these
22 | water plants?

23 | A. We do not issue operating permits. The only active construction permit
24 | is auxiliary power for Turtle Lakes #WC51-287223.

25 | Q. Are the plants in compliance with all of the utility's permit(s)?

- 1 | A. Yes.
- 2 | Q. Are the utility's wells, treatment facilities and distribution system
3 | sufficient to serve its present customers?
- 4 | A. Yes.
- 5 | Q. Does the utility have an adequate auxiliary power source in the event
6 | of a power outage?
- 7 | A. No, not at Turtle Lakes Water System.
- 8 | Q. Are the utility's wells in a location which complies with Section 62-
9 | 555.312, Florida Administrative Code?
- 10 | A. Yes, to the best of my knowledge.
- 11 | Q. Has the utility established a cross-connection control program in
12 | accordance with Section 62-555.360, Florida Administrative Code?
- 13 | A. Yes.
- 14 | Q. What immediate, near-term, or long-range actions do you foresee that the
15 | utility needs to accomplish in order to accommodate current and future
16 | customers?
- 17 | A. Perhaps the addition of elevated storage or ground storage with high
18 | service pumps.
- 19 | Q. What is the current number of connections that the utility is able to
20 | accommodate while still maintaining compliance with all regulations?
- 21 | A. Current connections include: Cypress Cove/Foxwood, approximately 700
22 | connections; Linda Lake Groves, approximately 49 connections; Turtle Lakes,
23 | approximately 797 connections; Carpenter's Run, approximately 580 connections.
- 24 | Q. Approximately how many additional customers could the utility's
25 | treatment facilities and distribution system adequately serve?

1 | A. Cypress Cove/Foxwood, approximately 200 additional connections; Linda
2 | Lake Groves, approximately 95 additional connections; Turtle Lakes,
3 | approximately 270 additional connections; Carpenter's Run, no additional
4 | connections.
5 | Q. If Mad Hatter applied for another construction permit which was in
6 | compliance with all applicable DEP statutes and rules, is there any reason DEP
7 | might not issue the permit?
8 | A. Yes. At Turtle Lakes, the water system has not placed an auxiliary
9 | power source on-line.
10 | Q. Do you have anything further to add?
11 | A. No.
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1 MS. CAPELESS: Thank you. And the witness
2 does not have any exhibits. He is available for cross
3 examination.

4 COMMISSIONER DEASON: Ms. Hale?

5 MS. HALE: We have no cross.

6 COMMISSIONER DEASON: Mr. Deterding?

7 MR. DETERDING: Just a few questions.

8 CROSS EXAMINATION

9 BY MR. DETERDING:

10 Q Mr. Martinez, you have some analysis of
11 capacity of the two systems on pages -- the bottom of
12 Page 2 on to the top of Page 3 for the County, and the
13 bottom of Page 5 on to -- sorry -- Page 4 on to Page 5
14 on Mad Hatter. How did you arrive at those capacity
15 figures?

16 A The -- do you mean like what -- how many
17 service connections they currently have, or just how
18 many future service connections they can accommodate?

19 Q Well, both. Let's start with the current.

20 A The current service connections, I reviewed
21 our files in the office and obtained those either from
22 the latest sanitary survey reports or from the monthly
23 operating reports that are submitted by each system.

24 Q Okay. How about the additional customers
25 that the systems can serve?

1 A These were derived as an approximation. I
2 compared the current plant capacities of these water
3 systems to the current water use from the monthly
4 operating reports and based on that ratio discerned
5 how many additional service connections the water
6 systems could support.

7 Q So you determined the number of current
8 gallons per customer, in effect, and then applied that
9 to the remaining --

10 A Per service connection, yes.

11 Q Would you agree that the distribution system
12 of Mad Hatter can serve amounts greater than the
13 numbers which you've shown on here, as opposed to the
14 water plants themselves?

15 A I probably would need additional information
16 to make that determination.

17 Q But you are not making that determination by
18 these figures, are you?

19 A No, I'm not.

20 Q Okay. Do you know whether, with the
21 addition of larger pumps or pressure tanks -- whether
22 Mad Hatter could serve its entire territory at
23 build-out?

24 A I would say yes, without additional
25 information. I don't know what the build-out of the

1 Mad Hatter territory would be.

2 Q Okay.

3 A Without that information, I couldn't be more
4 specific.

5 Q Would you agree that interconnection of
6 existing facilities owned by Mad Hatter would increase
7 the level of service or the quality of service?

8 A Yes.

9 Q Could it also increase the capacities of
10 those systems?

11 A It could potentially increase the capacity
12 of the system.

13 Q You mentioned in your -- well, let me ask
14 you one other thing about those capacities.
15 Carpenters Run system, which you mention on the last
16 page of your testimony, you say "no additional
17 connection." Why is that?

18 A According to a review of the monthly
19 operating reports, it seems to indicate there was
20 occasions where the water system had reached the
21 capacity assigned to it.

22 Q And you're familiar with where that's
23 located, are you?

24 A No, I could use some help on that.

25 Q Okay. I'm not going to testify, but

1 assuming this is the Carpenters Run development and
2 the water system is located in here, and also assuming
3 that this area on the eastern edge of Section 32 and
4 western edge of 33 is the Turtle Lakes water system,
5 would interconnection between the two provide more
6 capacity to the Carpenters Run system?

7 A Yes.

8 Q Okay. You've only mentioned one water plant
9 for Pasco County. Are you familiar with the existence
10 of a plant serving the Pasco Plaza area at the
11 northeast corner of State Road 54 and U.S. 41?

12 A I would need more -- additional information.

13 Q You are not aware of the existence of
14 another treatment plant other than the one mentioned
15 in your testimony owned by the County?

16 A They have another small system, I'm not sure
17 if it's the same one you are referring to. I think we
18 refer to it as the Odessa water treatment plant.

19 Q Are you familiar with the location of the
20 distribution facilities, water distribution
21 facilities, of the County?

22 A Can you be more specific?

23 Q Well, I'll try. This map that I think we
24 are both looking at is the map that is sponsored by
25 Mr. Doug Bramlett, and I believe it's supposed to

1 represent the water system for Pasco County as it
2 currently exists and as proposed. The proposed being
3 the dashed lines, green for sewer and blue for water.

4 Are you familiar with that system, that
5 distribution and collection system -- or distribution
6 system, I guess?

7 A I've been to the water treatment plants for
8 the south central water system, but I'm not familiar
9 with the exact nature of their distribution system in
10 this area or the locations of their water mains.

11 Q If I were to tell you that there was a
12 4-inch well at that plant at the corner of 41 and 50,
13 the Pasco Plaza facility, would you be able to roughly
14 estimate about how many ERCs that could serve?

15 A No, I couldn't.

16 Q Okay.

17 MR. DETERDING: That's all I have.

18 COMMISSIONER DEASON: Redirect.

19 MS. CAPELESS: No redirect.

20 COMMISSIONER DEASON: Okay. Thank you,

21 Mr. Martinez.

22 (Witness Martinez excused.)

23 - - - - -

24 WITNESS MARTINEZ: Thank you.

25 COMMISSIONER DEASON: Would the lady from

1 the audience please come forward? If you'll begin by
2 giving us your name and your address, and then proceed
3 with your statement, please.

4 - - - - -

5 **MARILYN PHILLIPS**

6 appeared as a witness, and having been duly sworn,
7 testified as follows:

8 **DIRECT STATEMENT**

9 **WITNESS PHILLIPS:** My name is Marilyn
10 Phillips, and I live here in Land O'Lakes at 3724 Fawn
11 Grove Court in the Lake Padgett Estate subdivision. I
12 am a licensed real estate broker in the State of
13 Florida.

14 I thank you for your indulgence in allowing
15 me to speak this morning. My comments may not be
16 entirely appropriate in the particular forum that
17 we're here, because I believe you are really assembled
18 to determine whether the Mad Hatter Utility service
19 area can or will be increased upon with the addition
20 of Woodridge and some of the other subdivisions.

21 I'm not an actual customer of any of the
22 subdivisions, but I am, however, a licensed broker who
23 makes approximately 80% of my commission living doing
24 development in land-related parcels in the greater
25 Land O'Lakes area. And I also have several years

1 experience in a private utility as a public relations
2 specialist in St. Lucie County during a rate case that
3 they had several years ago.

4 My reason for speaking is twofold. I do
5 most often broker land and commercial and development
6 projects, and for some eight years, everything I'm
7 involved in seems to be victim to the impasse in this
8 area that exists between the County utilities and
9 private utilities. My license requires me to have
10 accurate updated information to all the clients that I
11 work with, and it's almost impossible for me to do in
12 this area because of the problem that exists.

13 And I'm kind of here to ask if anyone has
14 any idea how difficult it is to entice businesses and
15 large developers to come to an area when you can't
16 guarantee them any water and sewer service. It pretty
17 much keeps us from being able to do our job.

18 It seems that every development I'm involved
19 in seems to get held up somehow in permitting due to
20 water and sewer jurisdiction problems. And over the
21 past several years, I've been involved in five such
22 projects, and I'm now working often as a consultant
23 with people concerned, coming into the area. And
24 everything in the greater Land O'Lakes area is having
25 this problem, you know, who is going to give it water

1 and sewer.

2 I have been a customer of the County utility
3 in the past. I opened a Blimpie franchise store, and
4 I had no problem with the County utility, so that's
5 not an issue.

6 I think that it should be generally known
7 that in this area right now we have an emergency
8 situation. DOT is acquiring land, the roads are being
9 widened and my clientele, which is basically a
10 commercial clientele or a land development clientele,
11 needs places to relocate, and without water and sewer
12 they can't relocate. With roads going through the
13 middle of their buildings or keeping them from being
14 able to use their buildings to run their business
15 adequately during the road widening, these businesses
16 are going to lose considerable amounts of time and
17 money.

18 And this isn't something we can plan for
19 six, eight, ten, twelve months from now; the road is
20 happening now. And I have several customers who are
21 basically unable to move forward with their business
22 plans because we can't get any straight answers as to
23 who services what properties.

24 Right now, I have a gentleman with me,
25 Mr. Geho, who I'm working with. He owns a Taylor

1 Rental franchise here in Land O'Lakes, and we have
2 under contract a piece of property -- if I could refer
3 to the map?

4 **COMMISSIONER DEASON:** Ma'am, you are going
5 to need to pick up that other microphone. Everything
6 you say has got to be spoken into a microphone.

7 **MR. DETERDING:** You have to turn it on up
8 top.

9 **WITNESS PHILLIPS:** Okay. The parcel of land
10 is right here on Carson Drive and is -- sits behind
11 the Kash N'Karry Plaza.

12 One of the questions I'd like addressed is:
13 Whose area is that in, and will there be water and
14 sewer service available to this gentleman? Because
15 the road is now within -- I don't know -- a matter of
16 yards from widening where his present location is.
17 And he needs to begin a building as soon as possible.

18 Are we going to let him be run out of
19 business and lose money, or is somebody going to
20 provide him water and sewer? Is there water and sewer
21 available? I would like to know that.

22 And my next question is: If it is available
23 by whoever, will that site be permitted, or will it be
24 held up for months because of the problems between a
25 private utility and the County utility?

1 So far, I've received several conflicting
2 stories. We have an engineer working on the property,
3 and one day I'm told it's in Mad Hatter Utility's
4 service area, the next day I'm told it's in the
5 County's utility service area. I don't know who's
6 area it's in, but someone needs to tell us, and we
7 need to know if it's going to be permitted.

8 My second concern is as a taxpayer. I
9 owned -- or am involved in the ownership of several
10 parcels of property in the Land O'Lakes area. And a
11 lot of my family income goes towards paying taxes on
12 these properties. I'm very concerned at the County's
13 pursuit of independent people in business. I hate to
14 see taxpayers' dollars being spent on court cases and
15 on running water and sewer lines along an area like
16 S.R. 54 where they already exist.

17 I don't know who owns what lines, I don't
18 pretend to know that, but I believe I'm right that
19 there are already existing lines along 54. And if
20 they're owned by a private utility or if they are
21 owned by the County, why are we running additional
22 lines at the taxpayers' expense? Why can't the same
23 lines be shared or purchased or whatever?

24 I've been here in this area for 14 years,
25 and I was here when private utilities were the only

1 people that serviced this area. They were here
2 because we weren't big enough or affluent enough to
3 have any concern from the County as to whether we
4 should be serviced. Now, I think it's a great revenue
5 source for the County, and I think that's wonderful
6 because the County, obviously, has more financial
7 resources than the private utilities have.

8 So, you know, let's -- as we would have to
9 have any company bought out if they were being -- you
10 know, if their territory was being inflicted upon, or
11 somebody wanted to buy my real estate company, I would
12 expect to receive a fair price. Let's implore the
13 people to the County to make offers to these private
14 utilities that are being run out of business. You
15 know, get it over with, and so, we can all go on with
16 our life and make our living.

17 And that's my reason for being here, and I
18 hope you will recognize the emergency situation here
19 for many of us who are trying to make a living and
20 companies who need to find alternative locations and
21 are being held up in the process because of this
22 utility problem.

23 **COMMISSIONER DEASON:** Questions?

24 Mr. Deterding, questions?

25 **MR. DETERDING:** Just one question. You made

1 some comments about duplication of facilities. Do I
2 take it then that you believe that if there are
3 existing facilities, that the person who owns those
4 should provide that service?

5 WITNESS PHILLIPS: Well, I would assume as
6 opposed to spending money, additional monies, that if
7 there's service that exists, it would make certainly
8 financial sense that, yes, those facilities would be
9 used.

10 MR. DETERDING: That's all I have.

11 COMMISSIONER DEASON: Staff, questions?

12 MS. CAPELESS: No questions.

13 COMMISSIONER DEASON: Thank you, ma'am.

14 Appreciate your comment.

15 Ms. Hale, you may call your witness.

16 MS. HALE: We would call Mr. Bramlett.

17 I believe the witness was sworn in
18 yesterday.

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DOUGLAS S. BRAMLETT

1
2 was called as a witness on behalf of Pasco County and,
3 having been duly sworn, testified as follows:

DIRECT EXAMINATION

4
5 **BY MS. HALE:**

6 Q Mr. Bramlett, would you please state your
7 name for the record?

8 A Douglas Bramlett.

9 Q And you are the same Douglas Bramlett who
10 caused to be filed your prefiled testimony in this
11 docket consisting of eight pages?

12 A Yes.

13 Q Do you have any changes or corrections to
14 make to your direct testimony?

15 A No.

16 Q If I were to ask you the same questions
17 today as were posed to you in your testimony, would
18 your answers be the same today?

19 A Yes.

20 Q We would propose to have Mr. Bramlett's
21 prefiled testimony inserted into the record as if
22 read.

23 **COMMISSIONER DEASON:** Without objection, it
24 shall be so inserted.

25 Q (By Ms. Hale) Now, with regard to your

1 exhibits, did you prefile three exhibits along with
2 your testimony?

3 A Yes.

4 Q Do you have any corrections or changes to
5 make to those exhibits?

6 A No.

7 Q We would like to have Mr. Bramlett's three
8 exhibits, they are DB-1, 2, and 3 identified with the
9 next available exhibit number?

10 COMMISSIONER KIESLING: I only have 1 and 2
11 attached to the testimony I have.

12 MS. HALE: Yes, and then there was a map
13 which was too large to attach, so it was filed, but it
14 was not actually attached to the testimony. It had to
15 be shipped separately.

16 COMMISSIONER KIESLING: So you did not
17 attach a copy to each set of the testimony?

18 MS. HALE: We sent a sufficient number of
19 copies up, but it is the map that is behind
20 Mr. Bramlett there, that it was too large to actually
21 staple to the testimony.

22 COMMISSIONER DEASON: The prefilled exhibits
23 will be identified as Composite Exhibit 11.

24 (Exhibit 11 marked for identification.)
25

2 DOCKET NO. 960576-WS

3 MAD HATTER UTILITY, INC.

4 APPLICATION FOR AMENDMENT OF

5 WATER AND WASTEWATER CERTIFICATE

6 NOS. 340-W AND 297-S IN PASCO COUNTY, FLORIDA

7 PRE-FILED DIRECT TESTIMONY OF DOUGLAS BRAMLETT

8 Q. Please state your name and address.

9 A. My name is Douglas Bramlett. My address is 7530
10 Little Road, New Port Richey, Florida 34654.

11 Q. By whom are you employed?

12 A. Pasco County.

13 Q. What is your position with Pasco County?

14 A. I am an Assistant County Administrator and I am in
15 charge of the utility department.

16 Q. Are you familiar with the County's 1992 agreement
17 with Mad Hatter Utility, Inc.?

18 A. Yes.

19 Q. Does the 1992 agreement have any limit on the
20 amount of wastewater which the County is obligated to treat?

21 A. Yes. The 1992 agreement provides that the County
22 is not obligated to treat wastewater in excess of 350,000
23 gallons per day (GPD) in committed capacity unless the
24 County, in its discretion, has additional capacity to do so.

25 Q. Does the 1992 agreement put any geographical

1 restrictions on the sewage which the County will treat?

2 A. Yes. The agreement provides that the County need
3 not treat any sewage from Mad Hatter from areas outside of
4 its certificated areas or its service areas unless the
5 County issues written notification to Mad Hatter that it
6 does not object to such additional services. A copy of the
7 contract is attached as Exhibit "1".

8 Q. Does the agreement define the area from which Mad
9 Hatter may send sewage to the County for treatment?

10 A. Yes. Mad Hatter's service area is identified on
11 Exhibit 3 to the contract.

12 Q. Have you examined the area which Mad Hatter is
13 currently asking the Public Service Commission to extend its
14 PSC certificated territory to include?

15 A. Yes.

16 Q. Is that area within the service area as defined by
17 Exhibit 3 to the parties' 1992 agreement?

18 A. Most of it is outside the service area on the map
19 attached as Exhibit 3 to the 1992 agreement.

20 Q. Who color coded the map attached as an exhibit to
21 the contract?

22 A. Larry DeLucenay.

23 Q. How much wastewater is Mad Hatter currently sending to
24 the County for treatment?

25 A. Mad Hatter is currently sending approximately

1 340,000 GPD to the County for treatment.

2 Q. Has the County agreed to provide service for any
3 additional wastewater from Mad Hatter?

4 A. Yes. The County is committed to treat an
5 additional 30,000 GPD of wastewater to be delivered by Mad
6 Hatter when the customers to whom Mad Hatter has agreed to
7 provide service are connected.

8 Q. Does that mean that Mad Hatter's committed
9 capacity with Pasco County is currently exceeding the
10 350,000 GPD limit in the 1992 agreement?

11 A. Yes. And the sewage is treated at the County's
12 Land O'Lakes Wastewater Treatment Plant where the committed
13 capacity exceeds the one million GPD permitted by the
14 Florida Department of Environmental Protection. So the
15 County has no additional capacity to give to Mad Hatter.

16 Q. Have you calculated the capacity Mad Hatter will
17 need for the extended territory?

18 A. I have looked at parcels A-4, B-27, B-23, B-24, B-
19 25, B-26, C-8, C-9 and C-6A and determined that
20 conservatively Mad Hatter will need a capacity to treat
21 436,000 gallons of sewage per day. A copy of those
22 calculations is attached as Exhibit "2".

23 Q. Do you know whether Mad Hatter is currently
24 serving outside of its Public Service certificate area?

25 A. Yes. Mad Hatter collects and sends to the County

1 for treatment approximately 64,000 GPD of wastewater ³³⁴ from
2 customers outside of its PSC certificated territory.

3 Q. Has Mad Hatter ever requested Pasco County to
4 increase the 350,000 GPD cap in the 1992 agreement?

5 A. No. Although we have litigated these issues for
6 several years in Federal Court, Mad Hatter has not made such
7 a request. In fact, the District Court ruled in favor of
8 the County on the issue of whether the County had breached
9 the 1992 agreement because the Court held that Mad Hatter
10 had provided no evidence that it had ever asked the County
11 to increase the 350,000 GPD cap.

12 Q. Does Pasco County have the ability to serve the
13 territory which Mad Hatter has requested in its application?

14 A. Yes. The County has extended water and sewer
15 services along State Road 54 and partially along U.S. 41 to
16 those areas requested by Mad Hater. A copy of a map is
17 enclosed as Exhibit 3. The County plans to run water and
18 sewer lines along U.S. 41 in conjunction with the widening
19 of that road. Construction is scheduled to start next
20 month. Those lines should be completed within 12 months.
21 With the expansion of the Wesley Chapel WWTP and the Land
22 O'Lakes WWTP, the County will have capacity to treat 6
23 million GPD. By July of 1997, the County will have 4
24 million GPD to serve south central Pasco County.

25 Q. In his testimony, Mr. DeLucenay accuses the County

1 of moving forward "with an aggressive campaign to extend
2 lines which duplicated those of Mad Hatter in and around its
3 existing service territory and the areas for which the
4 Commission has specifically found Mad Hatter was in the best
5 position to provide water and wastewater service." Is that
6 statement true?

7 A. No. The County has extended lines in the area to
8 serve not only the County's existing customers but also its
9 future growth in the County. The County has not shown any
10 "contempt of the PSC" as Mr. DeLucenay has alleged.
11 Instead, the County has proceeded in a responsible manner to
12 provide service to one of the high growth areas in the
13 County.

14 Q. Mad Hatter has accused Pasco County of providing
15 service to a customer inside its PSC certificated territory.
16 Can you explain?

17 A. Sunfield Homes, Inc., is the developer of the Oak
18 Grove subdivision which has not yet been built. It sold
19 land to the Pasco County School Board on which the Denham
20 Oaks Elementary School has been built. Sunfield Homes,
21 through its president, Mike Orsi, attempted to negotiate an
22 agreement with Mad Hatter to provide service. However, Mad
23 Hatter insisted that Sunfield Homes pay all the
24 infrastructure or CIAC but would not guarantee service.
25 Thus, Sunfield Homes refused to enter into a contract with

1 Mad Hatter.

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2 The Denham Oaks School could not open due to the fact
3 that Mad Hatter filed administrative actions with the DEP.
4 A nearby school was forced into double sessions and children
5 were going to school in the dark. To alleviate that
6 situation, the County told Mad Hatter to provide service.
7 However, Mad Hatter did not do so and thus Sunfield Homes
8 asked the County for service which the County has provided.

9 Oak Grove subdivision has not yet been built and thus
10 the County has not provided any service to Oak Grove. Mr.
11 Orsi has testified in the Federal Court action that Sunfield
12 Homes will not do business with Mad Hatter due to Mad
13 Hatter's business practices. If the District Court enjoins
14 the County from providing service to the Oak Grove
15 subdivision, Mr. Orsi has testified that he will consider
16 alternative sources such as septic tanks or forming a non-
17 profit homeowner's association to provide utility service.

18 Q. Has Pasco County recently reduced the bulk
19 wastewater treatment rates it charges customers?

20 A. Yes. The County conducted a rate study and based
21 upon the study, the Board of County Commissioners lowered
22 the bulk sewer rates.

23 Q. Has Mad Hatter passed that savings along to its
24 customers?

25 A. No. Mad Hatter has refused to pass that price

1 reduction on to its customers.

2 Q. Has the County agreed to provide credits to
3 customers who paid impact fees?

4 A. Yes. Pasco County issues credits to Mad Hatter
5 for the customers who paid up-front impact fees but Mad
6 Hatter has refused to pass along those credits to the
7 customers. Accordingly, those customers who paid impact
8 fees are also paying a surcharge of \$1.00 per 1,000 gallons
9 of sewage in violation of Mad Hatter's agreement with Pasco
10 County.

11 Q. Is it in the public interest to have Pasco County
12 provide service in this area?

13 A. Yes. First, the rates charged by Pasco county are
14 less than the rates charged by Mad Hatter. Second, Mad
15 Hatter has no facilities to treat the wastewater as it has
16 exceeded its 350,000 GPD cap and the County need not accept
17 any sewage outside the areas described on Exhibit 3 to the
18 parties' 1992 agreement. Mad Hatter has not, to my
19 knowledge, submitted any permits to the Florida Department
20 of Environmental Protection to build a new wastewater
21 treatment plant or to expand the capacity of its water
22 treatment plant. The County plans to expand the Wesley
23 Chapel wastewater treatment plant to treat 3,000,000 GPD.
24 Construction for the expansion of the Wesley Chapel WWTP is
25 underway and will be completed by July of 1997. On the

1 other hand, Mad Hatter has failed to pass on credits to its
2 customers and failed to pass on the reduced wastewater
3 treatment rates pursuant to the County's new rate schedule.
4 It also failed to notify the Public Service Commission of
5 the sale of the Foxwood and Turtle Lakes percolation ponds
6 for \$195,000.00 although the PSC had ordered Mad Hatter to
7 notify it if the property were sold since the cost of
8 abandonment had been passed along to the customers.
9 Accordingly, it is in the public interest to permit Pasco
10 County to provide utility service in this area.

1 MS. HALE: I'd like to tender Mr. Bramlett
2 for cross examination.

3 COMMISSIONER DEASON: Mr. Deterding.

4 CROSS EXAMINATION

5 BY MR. DETERDING:

6 Q Mr. Bramlett, getting right to the
7 Exhibit 3, that is the document that's sitting here on
8 the easel?

9 A Yes.

10 Q And that is supposed to depict the County's
11 existing and proposed water and wastewater
12 distribution collection facility?

13 A It basically depicts the major transmission
14 mains for water mains and the major wastewater
15 collection system, yes.

16 Q And on that map the items marked as "E" are
17 existing and "P" is proposed?

18 A Yes. Existing, I believe we've marked blue
19 for water and green for sewer.

20 Q Okay. Let's look at the area that I'll call
21 Mad Hatter's western service area, the area west of --
22 over near the intersection of 41 and 54, south of
23 there.

24 You have an existing water plant at the
25 northeast corner there?

1 A We have a lease to operate the water plant
2 for Pasco Plaza, yes.

3 Q So you don't even own that facility?

4 A We lease it.

5 Q How large a well is there at that facility?

6 A I don't know.

7 Q Does it serve anything besides the Pasco
8 Plaza?

9 A Not that I'm aware of.

10 Q Was it designed to serve anything besides
11 the Pasco Plaza?

12 A Not that I'm aware of.

13 Q Okay. Other than that facility, where are
14 your nearest -- location of your nearest waterlines to
15 what I call the western area of Mad Hatter's proposed
16 territory and existing territory? It's up top.

17 A The nearest water main is an extension down
18 here in Section 24 on U.S. 41, and then there's a
19 water main that's out here on 54 at Collier Parkway.

20 Q Okay. And it goes just east of Collier
21 Parkway, about how far?

22 A East of Collier Parkway --

23 Q I'm sorry, west. Excuse me.

24 A West is stubbed out right here. This
25 section is currently under construction by a

1 development in this area.

2 **COMMISSIONER KIESLING:** I'm sorry, I hate to
3 interrupt. But when you say "right here" and I don't
4 even have a map, I have not got a clue, and the record
5 is not going to reflect anything that's meaningful.

6 **WITNESS BRAMLETT:** Commissioner, I meant
7 right here was at the intersection of Collier Parkway
8 and State Road 54, just barely to the east of that.

9 **COMMISSIONER KIESLING:** Thank you.

10 **MR. DETERDING:** Commissioner, if you need
11 one, I had some duplicates made up. I'd be glad to
12 give you one. It's not my exhibit, but --

13 **MS. CAPELESS:** We have some copies of the
14 map as well that we were planning to distribute, and
15 we can do that now to help everybody out.

16 I believe what we have is a -- we have a
17 reduced version of the map that we had planned on
18 identifying. (Document tendered.)

19 **COMMISSIONER KIESLING:** One is good for us.
20 We can share.

21 **Q** (By Mr. Deterding) Okay. As you said, it
22 was just to the west of the Collier Parkway, is that
23 correct? The existing water main?

24 **A** Yes.

25 **Q** And that is about a mile and a half, would

1 you agree, about a mile and a half to two miles from
2 the intersection of 41 and 54?

3 A About a mile and three quarters, yes.

4 Q And the other facility you mentioned is near
5 the top of Section 54 along U.S. 41; is that correct?

6 A That's true.

7 Q And that's about, again, a mile and three
8 quarters from that intersection?

9 A About a mile and a quarter.

10 Q A mile and a quarter, okay. And the areas
11 that Mad Hatter is proposing to serve are yet another
12 half to three quarters of a mile at a minimum, south
13 of there, correct, of that intersection?

14 COMMISSIONER CLARK: What intersection?

15 MR. DETARDING: I'm sorry. At U.S. 54 --
16 U.S. 41 and State Road 54.

17 WITNESS BRAMLETT: I believe his proposed
18 service area in that area is south of that
19 intersection, yes.

20 Q (By Mr. Detarding) About half to three
21 quarters of a mile to the closest ones?

22 A It appears that way, yes.

23 Q And that would be the route the County would
24 take if it's to extend its facilities into that area
25 to provide service, correct?

1 A Right. We are currently extending services
2 in that area.

3 Q Okay. But you have none currently in that
4 area?

5 A As I say, they are under construction.

6 Q Which ones are under construction?

7 A Under construction with DOT under a joint
8 project agreement would be the water main along U.S.
9 41 from south of 54, north to Bell Lake Road, which is
10 a water main and a force main.

11 Q Are those lines currently being placed in
12 the ground?

13 A The DOT awarded the contract last Friday,
14 and I believe the contractor has 30 days to start
15 construction. Mr. Tidwell from the DOT office in
16 Tampa stated that the contract -- or those lots would
17 be in place probably by the end of this year.

18 COMMISSIONER CLARK: Mr. Bramlett, it's
19 helpful to me to say yes or no. So the answer was no,
20 right, with that explanation they are not in the
21 ground?

22 WITNESS BRAMLETT: No, they are not in the
23 ground at this time.

24 Q (By Mr. Deterding) Can you tell me which
25 of Mad Hatter's facilities don't have a water and

1 wastewater line immediately adjacent to them at the
2 present time in that area?

3 A I don't know where the system is as far as
4 those lines go, so, no, I cannot tell you that.

5 Q Let's look at the eastern portion over near
6 the Carpenters Run, Turtle Lakes, Twin Lakes area.

7 What water facilities do you have over there?

8 A We have a water main that extends down
9 Collier Parkway from the north, down to the
10 intersection of Collier Parkway and 54. We have a
11 water main that runs east along 54 and follows the
12 route of 54 up into the Wesley Chapel area.

13 Q And when was the one east of 54 installed,
14 the water main?

15 A I believe approximately 1990 or '91.

16 COMMISSIONER CLARK: Mr. Bramlett, what's
17 going in there now? There's -- once I drove in
18 there's --

19 WITNESS BRAMLETT: Yes, ma'am, the pipe you
20 seen on the side of the road, that's the force main
21 that we're interconnecting between the Land O'Lakes
22 collection system and the Wesley Chapel collection
23 system.

24 COMMISSIONER CLARK: So that is water --

25 WITNESS BRAMLETT: A sewer.

1 COMMISSIONER CLARK: -- or wastewater.

2 WITNESS BRAMLETT: Sewer, wastewater force
3 main, yes, ma'am.

4 COMMISSIONER CLARK: Okay.

5 Q (By Mr. Deterding) Okay. Now, when you
6 put that water main in on 54, you said approximately
7 when? 1990?

8 A I believe it was 1990 or 1991.

9 Q Wasn't there already an existing water main
10 in the right-of-way there owned by Mad Hatter Utility?

11 A I believe there were pieces of water mains
12 or little segments of water main that he had, yes.

13 Q There wasn't a water main from Collier
14 Parkway over to the Carpenters Run area?

15 A Not that I'm aware of, no.

16 Q Wasn't there one from the northern boundary
17 of the Foxwood subdivision over to Carpenters Run?

18 A Not that I'm aware of, no.

19 Q And you don't know -- apparently, you've
20 stated you don't know where Mad Hatter's facilities
21 are?

22 A I am saying I am not aware of a water main
23 interconnect between the Turtle Lakes -- Mad Hatter's
24 Turtle Lakes water system and the Carpenters Run water
25 system.

1 Q What about sewer mains? Isn't it true that
2 when you installed your force main that is in
3 existence on 54, there was already one in existence
4 along the Highway 54 corridor owned by Mad Hatter?

5 A For pieces of the State Road 54
6 right-of-way, that's true.

7 Q And by "pieces," would that include
8 everything between Collier Parkway and the Carpenters
9 Run subdivision?

10 A Yes, I believe that's true.

11 Q And west of that as well, correct?

12 A To a certain point which is at, I think,
13 just west of Daiquiri Lane. I believe that's where
14 his system ends.

15 Q Okay. Your're currently running or had the
16 lines out there to install -- to connect a sewer force
17 main between Oak Grove subdivision and -- the entrance
18 to Oak Grove subdivision and the Collier Parkway; is
19 that right?

20 A Yes, we have plans to construct an
21 interconnect from what's called the Willow Bend master
22 pump station, which is just south of the intersection
23 of 54 and Collier Parkway, over to the force main that
24 is in the 54 right-of-way in front of the proposed Oak
25 Grove subdivision.

1 Q When was that line -- that force main, the
2 part of it that is over near Carpenters Run and Oak
3 Grove on the eastern edge there, put into place?

4 A You are referring from Oak Grove over to the
5 Wesley Chapel collection system to the east?

6 Q Yes.

7 A I believe in 1995.

8 Q Okay. And what size is that force main?

9 A I don't recall.

10 Q What size is the one that is being
11 constructed now?

12 A I believe it's a 12-inch.

13 Q And do you know what size Mad Hatter's
14 existing force main is in that same area?

15 A No, I don't.

16 Q Does your line run parallel to Mad Hatter's
17 force main in that area?

18 A Along the 54 right-of-way between Collier
19 Parkway and the Oak Grove subdivision, yes.

20 Q What I have referred to as the western area,
21 the area over near the intersection of 41 and 54, what
22 treatment facility serves that area?

23 A The Land O'Lakes subregional service
24 wastewater plant.

25 Q And could you show the Commission where the

1 Land O'Lakes subregional facility is?

2 A Right here in Section 8. Excuse me, it's in
3 this location in the southeast corner of Section 8,
4 the small rectangular piece of property.

5 Q And where is the Wesley Chapel treatment
6 facility?

7 A It's off of this map. It's along
8 Interstate 75, approximately in this location right
9 over here.

10 Q And the Wesley Center that is under
11 construction?

12 A It's about three miles north of there, four
13 miles north of there, adjacent to I-75 and was called
14 Overpass Road.

15 Q Is there any interconnection between the
16 Wesley Chapel Wesley Center systems and the Land
17 O'Lakes systems currently? Wastewater?

18 A No.

19 Q And is that the purpose of this line in
20 part?

21 A The purpose of this line that is going to be
22 constructed or is under construction now, which will
23 be completed in July of this year, is to divert some
24 of the flow off of the Land O'Lakes collection system
25 over to the new, what we call, Wesley Center service

1 area.

2 Q And by divert flow, some of the flow that's
3 currently going to Land O'Lakes will be going to one
4 of those treatment facilities?

5 A The diversion of flow from the Land O'Lakes
6 collection system will go to the new Wesley Center
7 collection system. That collection center system is a
8 composite of three or four wastewater plants and
9 collection systems that we have consolidated into one
10 subregional service area.

11 Q And that will then free up capacity into the
12 Land O'Lakes service area?

13 A That will divert some hydraulic capacity
14 daily flow from Land O'Lakes to the Wesley Center
15 plant, yes.

16 Q Won't Mad Hatter's flows then go to that
17 plant?

18 A We have to designate with DEP, as
19 Mr. Burghardt stated yesterday, when we divert flow
20 from one system to another what -- in detail, what
21 collection systems are being assigned to the new
22 Wesley Center plant. So I can't answer whether it
23 would be designated Mad Hatter flow or Pasco County
24 flow at this time.

25 COMMISSIONER CLARK: I'm sorry,

1 Mr. Bramlett, that's not clear to me. If you have to
2 assign it?

3 WITNESS BRAMLETT: Yes, ma'am.

4 COMMISSIONER CLARK: Wouldn't you be able to
5 tell then?

6 WITNESS BRAMLETT: Yes, ma'am. We will then
7 have to tell DEP which particular collection system,
8 permitted systems, will be assigned to the new Wesley
9 Center plant, yes, ma'am. We will have to determine
10 that in the future.

11 COMMISSIONER CLARK: But you can't at this
12 point in time.

13 WITNESS BRAMLETT: We have not to this date
14 done that.

15 Q (By Mr. Deterding) So you don't know
16 whether Mad Hatter's flows will actually go to the
17 Wesley Center facility?

18 A Well, there's two different flows. There's
19 basically assigned flow and the actual flow that is
20 coming into the Willow Bend master pump station. We
21 don't color code his flow versus ours, so ours is
22 brown and his is brown. So I don't know out of the
23 pump station exactly what flow it is, no.

24 Q Where will that Wesley -- what did you call
25 it? Willow Bend?

1 A The Willow Bend master pump station.

2 Q And where will that pump once that
3 interconnection is complete?

4 A To Land O'Lakes and to the new Wesley Center
5 facilities.

6 Q How would you propose to serve the areas in
7 the -- proposed for service by Mad Hatter in this,
8 again, what I'm calling the western portion, those
9 portions west of the Collier Parkway?

10 A They would be serviced by Pasco County, and
11 all would go either to the Willow Bend master pump
12 station at Collier Parkway and 54. Or they would go
13 in the new force main that we're under construction
14 with, with DOT, up to another master pump station up
15 on U.S. 41.

16 Q So you will have uncommitted capacity in
17 order to provide that service, correct?

18 A No. I'm not aware of that.

19 Q Well, if you are going to be able to serve
20 it, don't you have to have uncommitted capacity?

21 A I can serve and can overcommit the facility
22 as long as my capacity analysis report that we submit
23 to DEP every year gives them an updated schedule of
24 how we will make expansions to assure them that the
25 hydraulic capacity of the plant, which is the

1 permitted capacity, is not exceeded.

2 Q Well, didn't you say that the -- refer on
3 the bottom of Page 4 of your testimony to the capacity
4 that the County will have once that interconnection is
5 complete?

6 A I believe my statement on Lines 22, 23, and
7 24 of Page 4, state the County will have the capacity
8 to treat 6 million gallons a day. By July of 1997,
9 the County will have 4 million gallons a day to serve
10 South Central Pasco County.

11 Q How many gallons do you currently have to
12 serve South Central Pasco County?

13 A How many gallons of permitted capacity?

14 Q Correct.

15 A I believe it's 1,900,000.

16 Q So if you are going to have 4 million
17 gallons a day to serve South Central Pasco in July of
18 1997, you don't have any uncommitted capacity?

19 A In my opinion, it would be how we designate
20 the flow that gets diverted from one facility to the
21 other.

22 Q Have you committed all of that,
23 approximately 2 million additional capacity, that will
24 be available to serve the South Central Pasco County?

25 A I believe our total committed capacity, if

1 you add the Land O'Lakes commitments with the Wesley
2 Center commitments, currently would stand at about 2.1
3 million.

4 Q And you say you will have 4 million of
5 capacity?

6 A We will have 4 million of treatment
7 capacity.

8 Q So you will have somewhere in the
9 neighborhood of 2 million gallons of uncommitted
10 capacity?

11 A At the Wesley Center facility, yes, we will
12 have uncommitted capacity.

13 Q Well, won't you be sending flows to both
14 Wesley Center and Land O'Lakes from that area? Isn't
15 that what you told me?

16 A We will be diverting some flow from the Land
17 O'Lakes system to the new Wesley Center system, yes.

18 Q And, therefore, this area will be served by
19 both facilities, will it not?

20 A Partially through the interconnect, yes,
21 from Land O'Lakes to Wesley Center. The majority of
22 the flow in the Land O'Lakes collection system will
23 still go to the Land O'Lakes facility.

24 Q So your statement that the committed
25 capacity exceeding the amount of the permit for Land

1 O'Lakes would be to a certain extent irrelevant once
2 you have that interconnection, won't it?

3 A No, sir, I disagree.

4 Q Well, won't that enable you to provide
5 service in this area?

6 A Yes, sir. Our plans are right now to
7 convert about 300,000 gallons a day of daily flow from
8 the Land O'Lakes facility to the Wesley Center
9 facility.

10 Q Let me ask you about your existing
11 wastewater service in this western area. What
12 facilities do you have south of the intersection of
13 U.S. 41 and State Road 54?

14 A We have currently a force main that runs
15 down and kind of diagonal at the southeast corner of
16 U.S. 41 and State Road 54. And then it runs adjacent,
17 or within the new right-of-way of U.S. 41 to Leonard
18 Road. And from Leonard Road south on a service road
19 along U.S. 41 to the Paradise Lakes facility.

20 Q And could you get up here and show the
21 Commission where the terminus of that main is, that
22 force main is, at Paradise Lakes? I believe you said
23 that's the terminus of it?

24 A Yeah, currently it's right at this point
25 which is the northeast corner of Section 35.

1 Q And then runs north to the intersection and
2 beyond?

3 A It runs north as it crosses under 54 at -- I
4 mean, at 41 and Leonard Road, and then it runs along
5 the back side of some commercial property, and then
6 interconnects with our existing force main on 54 just
7 east of U.S. 41.

8 Q When was that force main installed?

9 A It's been under construction for, like,
10 three months, and it was certified and put in place
11 last Friday.

12 Q And was that constructed to provide service
13 to the Paradise Lakes Resort?

14 A Yes, primarily. We have more capacity in
15 that line than just to serve Paradise Lakes. We had
16 intended on serving some other areas south of
17 intersection of 54 and 41.

18 Q Isn't it true that Mad Hatter already
19 provides sewer service and has in place existing sewer
20 lines down in the area south of that line within a
21 quarter mile of that line?

22 A Yes, it's my understanding that they do have
23 some services down between Dale Mabry and 41 in this
24 area, which is about midway through the eastern part
25 of Section 35.

1 Q And those facilities have been in place for
2 over 10 years, have they not?

3 A I don't know.

4 Q When did you enter into the agreement with
5 Paradise Lakes Resort?

6 A I don't recall the exact date. It's
7 probably 18 months ago or so.

8 Q Is this agreement --

9 MR. DETERDING: I want to get this marked as
10 an exhibit, Commissioners.

11 COMMISSIONER DEASON: Exhibit 12.

12 MR. DETERDING: Thank you. Exhibit 12?

13 COMMISSIONER DEASON: Yes, 12.

14 (Exhibit 12 marked for identification.)

15 Q (By Mr. Deterding) Is this agreement the
16 agreement between Pasco County and Paradise Lakes?

17 A Yes.

18 Q And how much capacity is committed under
19 this agreement?

20 A I don't recall that. I'd have to read it to
21 tell you exactly.

22 Q Okay. If you would look at the top of
23 Page 2 under "Bulk Wastewater Treatment Service"?

24 A Okay.

25 Q Doesn't it state that 100,000 gallons per

1 day of annual average daily flow is committed?

2 A Yes.

3 Q And I don't see -- I see a date of November
4 of '95 when it was signed by the county commission,
5 but the copy I have is not dated. Do you know when it
6 finally became executed by both parties?

7 A No, I don't.

8 Q Now, this is a customer that is currently
9 served through the Land O'Lakes treatment facility,
10 correct?

11 A Yes, as of last Friday. (Pause)

12 MR. DETERDING: Commissioners, I would like
13 to have this marked as Exhibit 13.

14 COMMISSIONER DEASON: It will be so marked.
15 (Exhibit 13 marked for identification.)

16 Q (By Mr. Deterding) Mr. Bramlett, this is a
17 letter from you, is it not?

18 A Yes.

19 Q And it is to an engineer for the Lake Heron
20 project; is that correct?

21 A Yes.

22 Q And isn't it true that you state that you
23 cannot provide -- effectively cannot provide capacity
24 through Mad Hatter Utility for this development?

25 A That's what the letter states, yes.

1 Q Okay. And, in fact, it says that if you are
2 interested in obtaining retail service from Pasco
3 County to call you, correct?

4 A Yes.

5 Q Isn't the Lake Heron development in the
6 service territory of Mad Hatter Utility?

7 A When I wrote that letter I was not aware
8 that it was, no.

9 Q Isn't it true that it's been in that
10 territory for in excess of 15 years?

11 A Not that I'm aware of.

12 COMMISSIONER CLARK: Mr. Bramlett, do you
13 understand it to be in the territory now, or you still
14 don't think it's within Mad Hatter's territory?

15 WITNESS BRAMLETT: I believe that I've seen
16 some documentation that there was a special procedure
17 he went through to get that area certificated, yes,
18 ma'am. But I'm not aware that at the time I wrote
19 that letter, as I recall, that that area was in his
20 certificated area.

21 COMMISSIONER CLARK: Did you contact the
22 Commission at all -- what efforts did you go to, to
23 determine who should serve that area?

24 WITNESS BRAMLETT: I basically reviewed the
25 maps that we have that were attached to our service

1 agreement from 1992. And as I recall, that was not in
2 his certificated area.

3 COMMISSIONER CLARK: Okay.

4 Q (By Mr. Deterding) Let's refer back to
5 this back map here just for a moment. Show us where
6 Lake Heron or these parts of Lake Heron are on this
7 map.

8 A I believe it's in this area right here.

9 COMMISSIONER KIESLING: We can't see through
10 you.

11 WITNESS BRAMLETT: I'm sorry, Commissioner.
12 I believe it's in this area right here, which is in
13 Section 36, just east of U.S. 41.

14 Q (By Mr. Deterding) And this is the map
15 that you contend was attached to the 1992 agreement
16 depicting Mad Hatter's service territory?

17 A No, sir.

18 Q Isn't this a copy of the map that you claim
19 was attached to that agreement?

20 A I'm basically saying that this is a map that
21 was, in my opinion -- yes, this map was attached to
22 the agreement, but, in my opinion, this area -- in my
23 opinion, when I signed that letter in '95, this was
24 not certificated yet even though it was on the map.

25 Q But it was on the map that you claim is

1 attached to the 1992 agreement showing?

2 A This is the Exhibit 3 to the 1992 agreement.

3 Q So it was depicted as being in their service
4 territory on that map?

5 A On that map it does show that it's in his
6 area, but I was still under the impression that it was
7 not certificated, even though he had indicated it on
8 the map.

9 COMMISSIONER CLARK: Mr. Bramlett, could you
10 tell me why you had that impression?

11 WITNESS BRAMLETT: I can't recall. We had
12 also worked on some legal descriptions of Mad Hatter's
13 certificated service area. And this was a service
14 area map that was different in some areas from -- the
15 service map was different from his certificated map.
16 They didn't -- they were not identical maps.

17 As I recall, it was my impression that at
18 that time that that area had still not been actually
19 certificated.

20 COMMISSIONER CLARK: He gave you that
21 service area map to attach to the agreement, and you
22 apparently had a different map showing the
23 certificated area?

24 WITNESS BRAMLETT: We have a -- different
25 legal descriptions for his certificated service area,

1 yes.

2 COMMISSIONER CLARK: So you noticed a
3 discrepancy between the maps and the legal
4 descriptions?

5 WITNESS BRAMLETT: That's as I recall, yes,
6 ma'am.

7 COMMISSIONER CLARK: Okay. I assume you
8 didn't notice it, but somebody on your staff did?

9 WITNESS BRAMLETT: Notice what, ma'am?

10 COMMISSIONER CLARK: The difference in the
11 legal description and the map.

12 WITNESS BRAMLETT: Yes, the people who had
13 gone through the legal descriptions that were provided
14 by the PSC show there was a difference.

15 COMMISSIONER CLARK: Okay.

16 Q (By Mr. Deterding) Now, in June of 1995,
17 you said you -- you effectively said you had no
18 uncommitted capacity to provide service to this
19 through Mad Hatter, correct?

20 A I was saying then in that letter, I believe,
21 and other developers that were asking for service,
22 that the plant was overcommitted.

23 Q But you were able approximately five months
24 later to enter into a bulk service agreement with
25 Paradise Lakes from the same plant for

1 100,000 gallons?

2 A That's true.

3 Q So, Mr. Bramlett, it sounds as though if
4 it's Mad Hatter's service territory, you're
5 overcommitted, but if it's Pasco County who's going to
6 provide service, you're not. I mean, is that an
7 inaccurate characterization?

8 A As I read the contract, that basically we
9 agree to provide up to a maximum of 350,000 gallons a
10 day to Mad Hatter Utility and that was it.

11 Q Okay. Let's go to that agreement, which is
12 attached to your testimony as DB-1. Would you refer
13 to Page 5 of that agreement, please? And read for the
14 Commission what it says under the paragraph entitled
15 "Excess Capacity"?

16 A It says "The County agrees to treat
17 wastewater in excess of 350,000 gallons per day
18 pursuant to this agreement provided sufficient unused
19 and uncommitted capacity is available at the County's
20 wastewater treatment facilities as determined by the
21 County and all appropriate permits have been obtained
22 by Mad Hatter from state regulatory agencies. Mad
23 Hatter agrees to pay the per 1,000 gallon rate for
24 each service that's set above."

25 Q Now, this doesn't say available at the

1 County's Land O'Lakes wastewater treatment facility,
2 does it?

3 A As I stated, it says "At the County's
4 wastewater treatment facilities."

5 Q Okay. Plural, facilities, correct?

6 A I believe when you add an "s," it's plural,
7 yes.

8 Q Thank you. Does the County have a service
9 area or territory in your mind?

10 A For what?

11 Q For provision of water and wastewater
12 service in this area?

13 A We have a defined service area of the
14 collection system for each of the subregional service
15 areas, yes.

16 Q So I guess I'm saying the area in which
17 Pasco County intends to provide service. Do you have
18 a defined service territory?

19 A Yes.

20 Q And what does that include in this area?

21 A This map is not big enough to show it, it
22 goes --

23 Q Well, in the area depicted on the map.

24 A Basically, if you look at our capital
25 improvement plan, the Land O'Lakes service area and

1 the Wesley Center service area have a dividing line
2 about right here. This goes up to -- north of State
3 Road 52 and out along -- and even north of 52, and
4 west along 52, and then down, and coming down along
5 the County line between Pasco County and Hillsborough
6 County.

7 Q And as far as the area specifically the
8 subject of -- the general area, the subject of this
9 extension application, basically that area adjacent to
10 or south of State Road 54, what is the County's
11 service area in there? What do you intend to provide
12 service to?

13 A This area along State Road 54?

14 Q Yes.

15 A Land O'Lakes.

16 Q So, basically, everything, correct?

17 A Basically, our service area for the Land
18 O'Lakes subregional service area as defined in our CIP
19 covers, as I stated, this area, and then out along and
20 then west of State Road 54.

21 Q Everything in that area?

22 A Basically, this is our service area.

23 Q So your service area is everything in and
24 around there? I mean, there are no excepted areas
25 from what you contend is your service area, correct?

1 A Not that I'm aware of.

2 MR. DETERDING: Commissioners, I have a -- I
3 don't know how you want to handle this. I have
4 something that I want to ask Mr. Bramlett about that
5 is an exhibit to Mr. DeLucenay's testimony. I have
6 copies, so I can go ahead and hand them out, if you'd
7 like.

8 COMMISSIONER DEASON: Do we already have
9 copies?

10 MR. DETERDING: You have copies in his
11 rebuttal, prefiled with his rebuttal testimony,
12 correct.

13 COMMISSIONER DEASON: Okay. We'll just use
14 that then.

15 MR. DETERDING: Okay, thank you.

16 Q (By Mr. Deterding) Mr. Bramlett, I show
17 you a copy of a May 12, 1994, letter to a Mr. Gerald
18 Buhr from Mr. Thomas A. Buston. Are you familiar with
19 that letter?

20 A Yes.

21 Q And what is the general nature of that
22 letter, purpose of that letter?

23 A It's a letter from Tom Buston, he was our
24 County attorney at the time to Joe Buhr, that talks
25 about Mad Hatter's certificated service area.

1 Q And it states, does it not, that in light of
2 that -- that Pasco County recognizes that Mad Hatter
3 has a granted certificate from the PSC. In light of
4 that, Pasco County does recognize that within the area
5 embraced by the certificate, Mad Hatter has what may
6 be termed "a franchise" and will not compete with the
7 corporation in that area as long as Mad Hatter is
8 fully able to provide the service for which it was
9 granted a certificate, correct?

10 A That's what it states, yes.

11 Q And Mr. Buhr is the attorney for Mad Hatter,
12 correct?

13 A Yeah, one of his attorneys, yes.

14 Q Thank goodness. I want to show you another
15 letter. This is a letter from Karla Stetter to a
16 Mr. Frank I. Grey, Esquire, dated April 18, 1995; is
17 it not?

18 A Yes.

19 Q And what is the subject matter of this
20 letter?

21 A It was a letter to Mr. Grey from the then
22 County attorney Karla Stetter addressing the Mad
23 Hatter certificated service area.

24 Q And it, basically, takes a position opposite
25 that taken by Mr. Buston, does it not?

1 A Yes.

2 Q And effectively says that the County can
3 serve a development in the existing service territory
4 of Mad Hatter?

5 A That's how I read the letter, yes.

6 Q What development did this concern?

7 A I believe this was -- as the letter states
8 addressed or referencing the Oak Grove subdivision.

9 Q And can you point out for the Commission
10 where the Oak Grove subdivision is?

11 A The Oak Grove subdivision is in Section 33,
12 in this area right here between Carpenters Run and
13 Turtle Lakes.

14 Q So directly between systems run by Mad
15 Hatter Utility?

16 A Yes.

17 MR. DETERDING: Commissioners, I would like
18 to mark this as Exhibit 14.

19 COMMISSIONER DEASON: It will be so marked.

20 (Exhibit 14 marked for identification.)

21 COMMISSIONER CLARK: I have a question,

22 Mr. Bramlett. Do you have any idea what order

23 Ms. Stetter was referring to?

24 WITNESS BRAMLETT: No, ma'am, I don't.

25 COMMISSIONER CLARK: Okay.

1 **MS. HALE:** Commissioner Clark, I think we do
2 know it's one of the orders that's listed on the order
3 to be recognized for today, and it is the one in re:
4 petition by Adam Smith Enterprises.

5 **COMMISSIONER CLARK:** We don't know that.

6 **MR. DETERDING:** I don't know that it says
7 that at all.

8 **COMMISSIONER CLARK:** Mr. Bramlett doesn't
9 know that.

10 **MR. DETERDING:** I don't think it says
11 anything of that nature.

12 **COMMISSIONER CLARK:** Only Ms. Stetter would
13 know that for sure.

14 **Q** **(By Mr. Deterding)** Does the County have
15 the ability to sell additional capacity to Mad Hatter
16 once this connection between the two treatment
17 facilities is completed?

18 **A** Do we have the ability to provide additional
19 bulk wastewater service?

20 **Q** Correct.

21 **A** Yes.

22 **Q** Would you recommend that the County provide
23 additional capacity to Mad Hatter?

24 **A** Absolutely not.

25 **Q** Doesn't the County provide sewer service to

1 all of its citizens where available?

2 A I believe under the specific contract
3 conditions of other numerous contracts we have. Yes,
4 we provide service to the citizens of Pasco County.

5 Q Well, where a citizen of Pasco County
6 requests service from your Company, and you have the
7 available capacity, where do you not provide such
8 service?

9 A Where we have existing services, where do we
10 not provide service?

11 Q Where you have the available capacity and
12 service, such as in Mad Hatter's case where you have a
13 connection with them, where would you not provide
14 additional service if they meet the requirements as
15 far as payment of your standard fees and charges?

16 A I believe that the County, if the contract
17 is in the best interest of the County and in the
18 public's interest, yes, we would sign a contract.

19 Q So you think it's in the public interest to
20 duplicate the existing facilities of Mad Hatter in
21 order to service these areas, rather than have Mad
22 Hatter serve them from facilities that are already in
23 place, collection and distribution facilities?

24 A Sir, I don't think we've duplicated
25 anything. We provided service in the area as demanded

1 by our service agreements and as defined by our
2 capital plan.

3 Q Doesn't Mad Hatter have existing water and
4 sewer lines immediately adjacent to the Oak Grove
5 subdivision, and didn't they have them before you ran
6 your lines in there?

7 A I believe he has an on-site water system for
8 Carpenters Run, and he does have a force main in 54,
9 yes.

10 Q Doesn't he have existing water distribution
11 facilities on the eastern side, along the eastern side
12 in the Turtle Lakes subdivision stubbed out right next
13 to the property that is being developed as Oak Grove?

14 A Not that I'm aware of.

15 Q You don't know whether he has existing lines
16 there?

17 A You said stubbed out. I don't know where
18 his stub outs are.

19 Q Does he have existing water mains
20 immediately adjacent to the Oak Grove subdivision?

21 A He has water mains within the Turtle Lakes
22 subdivision, yes.

23 Q You don't know where those are located?

24 A No, I don't.

25 Q You don't know if they are immediately

1 adjacent to that property?

2 A I'm not aware of them being immediately
3 adjacent. I know they are -- in general, he services
4 the Turtle Lakes subdivision.

5 Q Okay. And the same is true with Carpenters
6 Run on the west side and the south side adjoining Oak
7 Groves. You don't know the location of those
8 facilities?

9 A No, I don't.

10 Q Then the same is true for sewer in both
11 developments, correct? You don't know where those
12 facilities are?

13 A The internal system for each one? No, sir,
14 I don't.

15 Q And their proximity to the proposed Oak
16 Groves subdivision?

17 A As I said, I know in general that their
18 system is there, but I don't know specifically where
19 the pipes are.

20 Q Looking at this DB-3 map again, can you
21 stand up there and show us the location of the County
22 facilities in 1988 approximately?

23 A I believe in 1988 -- I'm not sure when we
24 signed the agreement for this area for water and
25 sewer. It was probably after 1988. In 1988 we did

1 take care of the Lake Padgett. The water and sewer
2 system was basically this area here, down to this
3 area, which is through Sections 8, 9, 17, 19, 20 and
4 30 on this map.

5 Q And in 30, your lines in 1988 went into that
6 northern part of the development there?

7 A This is called Lake Padgett South, this area
8 right here. And, yes, we did have service lines
9 through here that we took over from water and sewer
10 District A.

11 Q Did you have any water or sewer lines along
12 State Road 54 in that area?

13 A In 1988?

14 Q Yes.

15 A No.

16 Q Didn't Pasco County participate in the
17 extension application of Mad Hatter Utility in Docket
18 870982 in 1987 and '88?

19 A I don't remember the docket number. I
20 believe there was a PSC hearing in 1987 or 1988, yes.

21 Q And you testified in that proceeding, didn't
22 you?

23 A Yes.

24 Q And isn't it true that the protests of the
25 County and others were dismissed as a result of the

1 formal hearing in that proceeding?

2 A I wouldn't call it dismissed. I believe
3 that neither side won. I believe Mad Hatter Utility
4 was instructed to go out and do his thing, and a year
5 later report back to what he had done. And I believe
6 the County basically was still proceeding on with our
7 capital plan to provide service.

8 Q So despite the findings that Mad Hatter
9 should go forward with the extension of service into
10 an area that was much larger than that proposed for
11 service here today, the County went forward with an
12 extension of facilities into that area?

13 A The County continued to provide wastewater
14 and water service to development in that area that had
15 asked for service from the County, yes.

16 COMMISSIONER KIESLING: Mr. Bramlett, please
17 answer yes or no, and then you can explain all you
18 want to. But, I mean, I'm getting the feeling you're
19 evading the question he's asking because you refuse to
20 answer what he asks. And I want you to answer yes or
21 no.

22 WITNESS BRAMLETT: Yes, ma'am.

23 Q (By Mr. Deterding) Isn't it true that Mad
24 Hatter Utility provided water service to the Denham
25 Oaks School during construction for approximately one

1 year?

2 A Yes, I believe that's true.

3 Q And at what date did the County take over
4 the provision of that water service?

5 A I don't believe we took over the provision
6 of that water service. We basically -- because Mad
7 Hatter refused to provide service to the school, and
8 we tried to get the school open, we constructed lines
9 in that area so the school could open. It opened
10 about three months late.

11 Q You say they refused to provide service.
12 Weren't they providing service for over a year?

13 A I believe they were providing a temporary
14 construction service.

15 Q And how do you know that that was a
16 temporary measure by Mad Hatter?

17 A Basically, my knowledge of that system was
18 it was a small line, a small 2-inch line that was
19 provided for construction purposes only. Typically,
20 when you provide service to a school, you have to
21 provide normal potable service and fire flow service
22 which typically requires at least an 8-inch water
23 main.

24 Q Can you show the Commission the location of
25 the Denham Oaks School on this DB-3?

1 A It sets in this area right here, which is at
2 the southwest corner of the Carpenters Run
3 subdivision. Basically, almost in the center of
4 Section 33.

5 Q Didn't Mad Hatter have a permit from DEP to
6 connect to the school, provide permit water to the
7 school?

8 A I don't recall.

9 Q When did the County begin providing service
10 to the Denham Oaks School?

11 A I believe it was basically when the school
12 opened. That was the end of October of 1995.

13 Q Were you involved in the negotiations
14 between Denham Oaks school -- excuse me, between
15 Sunfield Homes for service to the Oak Grove
16 subdivision, between Sunfield Homes and Mad Hatter
17 Utility?

18 A Are you speaking of the amendment to the
19 original contract for the previous property owner?

20 Q I'm talking about the negotiations between
21 Sunfield Homes and Mad Hatter Utility for service to
22 the Oak Grove subdivision.

23 A I'm sorry, I was thinking of our -- are you
24 speaking of the negotiation between Mad Hatter and
25 Sunfield?

- 1 Q Correct.
- 2 A No, I was not.
- 3 Q So you don't know what was negotiated or
4 discussed in negotiations between those two parties?
- 5 A Not in detail, no.
- 6 Q What firsthand knowledge do you have of what
7 was negotiated between those parties?
- 8 A Firsthand knowledge, none. Just the
9 evidence that was presented in the federal lawsuit.
- 10 Q Have you seen the draft agreement that was
11 sponsored by Mr. Hobby?
- 12 A For what?
- 13 Q For service between Mad Hatter and Oak Grove
14 subdivision?
- 15 A No.
- 16 Q In relation to the Oak Grove subdivision and
17 the school, you mention that on Page 5 of your
18 testimony, that Mad Hatter insisted that Sunfield
19 Homes pay all the infrastructure or CIAC; is that
20 correct?
- 21 COMMISSIONER KIESLING: What line was that?
- 22 MR. DETERDING: I'm sorry, Line 22 through
23 24.
- 24 WITNESS BRAMLETT: That's what it states,
25 yes.

1 Q (By Mr. Deterding) Okay. Do you require
2 developers within your service territory to contribute
3 lines?

4 A Yes. The infrastructure for development is
5 typically paid for by the developer.

6 Q You say "but would not guarantee service,"
7 referring, I assume, to Mad Hatter; is that correct?

8 A Yes.

9 Q What do you mean would not guarantee
10 service?

11 A As I said, that's so -- at the federal
12 lawsuit, my hearing of the testimony, that's what I
13 heard.

14 Q But you were not involved in the
15 negotiations. In fact, you've even stated you haven't
16 reviewed the agreement, correct?

17 A The proposed agreement?

18 Q Correct.

19 A No, I have not seen it.

20 Q Okay. So you got this information from
21 someone else saying that they would not guarantee
22 service, correct?

23 A Yes. As I stated, that's what I heard in
24 the federal lawsuit testimony.

25 Q Okay. You state that the County told Mad

1 Hatter to provide service to this subdivision. Do you
2 have a letter or something that reflects that
3 instruction by the County to Mad Hatter?

4 A With me today? No.

5 Q Is there such a letter that tells Mad Hatter
6 to provide service?

7 A Yes, I believe there was a letter from the
8 County Attorney's office that was sent that basically
9 told them to go ahead and serve the Denham Oaks
10 School.

11 Q And I assume that letter was after the
12 letter from Karla Stetter saying the County could
13 provide service in that area?

14 A I don't recall the date of the letter that
15 informed Mad Hatter to go ahead and provide service to
16 the school.

17 Q Well, I take it by the way your testimony is
18 phrased that Mad Hatter negotiated with Sunfield
19 Homes, and then the County told Mad Hatter to go
20 forward with service after the due date for the school
21 to open; is that correct?

22 A Again, I don't remember the date. I
23 remember this all happened in the summer of 1995.

24 Q Well, Ms. Stetter's letter is dated April of
25 1995, isn't it?

1 A Yes, it is.

2 Q So it would have occurred after Ms. Stetter
3 said that the County had the ability to provide
4 service there?

5 A Yes.

6 Q And do you have some letter from Mad Hatter
7 stating that they declined to provide service?

8 A No, I do not.

9 Q Currently, there is no service being
10 provided within the Oak Grove subdivision, is there?

11 A No. The system has not been activated. It
12 is constructed in Phase 1-A, I believe, which was for
13 the first 70 or 80 homes.

14 Q Isn't it true that the federal court suit
15 resulted at least in part in a determination by that
16 court that the County had violated Mad Hatter's due
17 process rights by not providing them a notice and
18 opportunity to be heard on the proposed service to
19 Sunfield Homes in Oak Grove?

20 A Sir, I don't remember all the details of the
21 federal lawsuit, and I believe we're still in
22 litigation over that matter.

23 Q But an order has been issued to that effect,
24 hasn't it?

25 A I believe there's been some declarations, or

1 how you want to call it, from the federal court. But
2 you'd have to ask our attorneys on that. I believe
3 that's a legal matter.

4 Q Have you gone forward with the signing of
5 permits and acts toward provision of service in Oak
6 Groves since the issuance of that court order?

7 A Again, I'm not aware that there's been an
8 actual court order. Like I say, I think that's a
9 legal matter and we've continuing in litigation.
10 There has been an application, I believe, for Phase
11 1-B for the Oak Grove subdivision that we processed,
12 Yes.

13 Q Mr. Bramlett, back to this map that is
14 alleged to be an attachment to the '92 agreement. If
15 I could get you to stand up there for a moment and
16 remove the other map.

17 Do you know where the Turtle Rock parcel is?

18 A Not by looking at this map, no.

19 Q In the southeast corner of Section 29, if
20 you'll look there, will you point to that, please?

21 All right. Could you just kind of outline for the
22 Commission's edification the southeast one quarter of
23 that section?

24 A I believe it would be from here along 54,
25 north along this line, back to the east and south

1 along this section line.

2 Q Okay. Isn't it true that that parcel was
3 within the service territory of Mad Hatter Utility for
4 at least 15 years?

5 A I don't know.

6 Q How about the Oak Grove subdivision? Isn't
7 it true that that was within the service territory of
8 Mad Hatter for at least 15 years?

9 A I don't know.

10 Q Yet neither one of them is depicted on that
11 1992 map allegedly prepared by Larry DeLucenay to
12 depict the service territory of Mad Hatter?

13 A It's true, these two areas were not
14 highlighted on the map that was prepared -- this was
15 duplicated from the map that was presented to me by
16 Mr. DeLucenay for the '92 agreement.

17 Q How about the Village on the Pond? Do you
18 know where that is?

19 A Not in detail. It's in this area somewhere
20 over here, I believe in Section 36.

21 Q Okay. The northeast quarter of that, isn't
22 it true that the great majority of that northeast
23 quarter to that northeast corner was included within
24 the service territory of Mad Hatter for at least 15
25 years?

1 A I don't know.

2 Q And it's not depicted as such on this '92
3 map, is it?

4 A What section are you talking about? This
5 area that's not colored in?

6 Q Correct, in the northeast quarter.

7 A Well, I'm showing it's not colored in, in
8 the service area map, so --

9 Q The majority of that quarter section,
10 correct?

11 A It looks to me like it's half and half.

12 Q About half, okay, thank you. That's all I
13 have on that.

14 Have you read the federal court's order
15 dated March 12, 1997?

16 A I believe I've looked through it one time,
17 yes.

18 Q Hasn't Pasco County refused to commit
19 capacity for the Willett property which is B-20 on --
20 parcel B-20 on Mr. DeLucenay's LGD-4?

21 A I believe that there was an application that
22 we were processing for Willett, which is a warehouse
23 or something like that. I don't know that this is the
24 same parcel.

25 Q But you did refuse to provide service

1 through Mad Hatter for that parcel?

2 A As I recall, yes.

3 Q And how about B-23, Taylor Rentals?

4 A I believe Taylor Rental is a current
5 application. I don't know the status of any letters
6 that we've sent.

7 Q I apologize. Rusch Plaza, B-23 is Rush
8 Plaza.

9 A I believe there was a request on Rusch Plaza
10 from the owner. I don't recall a written refusal of
11 service that he would hook into the Mad Hatter system.

12 Q Has there by any informal refusal of
13 service?

14 A There's been some verbal discussion, yes.

15 Q Stating that the County would not provide
16 service through Mad Hatter?

17 A Yes.

18 Q Isn't it true that the Rusch Plaza has a
19 failing septic tank?

20 A I don't know that.

21 Q Well, why did they want sewer service, do
22 you know?

23 A As I recall, it had something to do with the
24 DOT widening of either Dale Mabry or 41, there's some
25 taking of some property.

1 Q You are not aware of whether they have a
2 failing septic tank then?

3 A No, I'm not.

4 Q Would you agree to provide service through
5 Mad Hatter to that parcel if it was shown to you that
6 they had a failing septic tank?

7 A As I stated before, I think Mad Hatter is
8 basically at capacity for its system. I think there
9 are alternative systems that are available to a
10 developer, if that is the case, to provide sewer
11 service.

12 COMMISSIONER KIESLING: Was that a yes or a
13 no?

14 WITNESS BRAMLETT: I believe that's a no.

15 COMMISSIONER KIESLING: Thank you.

16 Q (By Mr. Deterding) Does the County have a
17 line adjacent to that parcel currently?

18 A No.

19 Q Doesn't Mad Hatter have a line immediately
20 adjacent to that parcel currently?

21 A I don't know.

22 Q You mention the reduction in the County's
23 bulk wastewater rates to its customers in your
24 testimony, do you not?

25 A Not without reviewing it, I don't recall

1 that.

2 Q Well, look on Page 6, Line 18 through the
3 top of line -- first line of Page 7.

4 A Yes.

5 Q You state that the County has conducted a
6 rate study, and based upon this study, the County
7 Commission lowered the bulk service rates to --
8 including Mad Hatter, I would say?

9 A Yes.

10 Q Do you know whether or not that is a subject
11 of a pending docket before the Florida Public Service
12 Commission?

13 A I believe -- yes, it is.

14 Q In fact, you've appeared at a PSC agenda
15 conference on that subject, haven't you?

16 A Yes.

17 Q Well, let me ask. The County determined
18 that the rate that they were charging for bulk service
19 was higher than should be charged for bulk service?

20 A Basically, yes. We did a rate study. Our
21 previous rate study before the one in 1995 was in
22 1990, and we do that every four or five years. And
23 there were some adjustments that were recommended by
24 the consultant, David M. Griffith, that did the rate
25 study for us, to make some adjustments in our water

1 and wastewater rates to all of our customers.

2 Q Did Pasco County make any refunds to the
3 bulk service customers for the difference between the
4 old rate and the new?

5 A No, we didn't. And we also, when we
6 increased rate to our retail customers during that
7 same rate study, we didn't go back and bill them
8 either for the additional service -- for the change in
9 the rates.

10 COMMISSIONER CLARK: Rosanne, it's still
11 picking up for some reason. Your mike seems to be
12 sensitive, so --

13 MS. CAPELESS: Okay, we'll be careful.
14 Q (By Mr. Deterding) You mentioned also the
15 sale of the Utility's former treatment plant sites in
16 your testimony at the top of Page 8?

17 A Yes.

18 Q Isn't that also the subject of a pending
19 proceeding before the Florida Public Service
20 Commission in a separate docket?

21 A Yes, it is.

22 Q And in that proceeding the Commission is
23 intending to ultimately determine whether or not the
24 Utility failed to notify the Commission of a sale,
25 correct?

1 A I don't know what the PSC is intending to do
2 in that docket, no, sir.

3 Q Have they made a determination, to your
4 knowledge, in either one of those dockets of some
5 fault by the Utility?

6 A The two dockets meaning the show cause
7 hearing for the rate reduction and the sale of the
8 perc ponds?

9 Q Right.

10 A I'm not aware of any final determination by
11 the PSC, no.

12 Q What is the County's current connection fee?

13 A What do you mean by "connection fee"?

14 Q Capacity reservation. Tell me all the fees
15 a person has to pay when they connect to the County's
16 system.

17 A I don't have my rate schedule in front of
18 me. We have --

19 Q I'm sorry, I didn't mean to interrupt you.

20 A If you mean impact fee, our impact fee for
21 water for a single family residential unit is \$532.
22 Our sewer impact fee is \$1,611.

23 Q And if a customer receiving wastewater
24 service through the County comes in for service and
25 the County commits to provide service through Mad

1 Hatter, they would pay that same fee?

2 A If under our 1992 agreement they are
3 considered a new development, yes, they would pay the
4 County directly the sewer impact fee at \$1,511.

5 MR. DETERDING: Just a second I may be done.

6 Q (By Mr. Deterding) One more short line of
7 questioning. You have that LTD-4 in front of you. If
8 you would turn to the second page of that.

9 At parcel C-8, which is entitled Highland
10 Oaks on that map, isn't it true that Mad Hatter
11 currently provides service to that area?

12 A Yes, to the northern portion of that area.

13 Q And would you agree that there's currently
14 in place a sewer pump station constructed to serve the
15 entire parcel?

16 A I don't know that.

17 MR. DETERDING: I don't have anything
18 further. Thank you, Mr. Bramlett.

19 COMMISSIONER DEASON: Ms. Capeless, how long
20 is your cross?

21 MS. CAPELESS: Well, Commissioner, we
22 probably can eliminate some of the questions. I was
23 going to ask you if we could take a break, maybe five
24 or ten minutes, so I could go through them with Staff.
25 We may still have about an hour's worth, but it may be

1 less now.

2 COMMISSIONER DEASON: Very well. We'll take
3 a ten-minute recess.

4 (Brief recess.)

5 - - - - -
6 COMMISSIONER DEASON: Call the hearing back
7 to order. Ms. Capeless.

8 MS. CAPELESS: Thank you. Staff has
9 distributed some documents that we'd like to go ahead
10 and identify at this time. There is a composite
11 exhibit consisting of 61 pages that we are calling
12 "Correspondence and Responses to Discovery."

13 COMMISSIONER DEASON: That will be
14 identified as Exhibit 15.

15 (Exhibit 15 marked for identification.)

16 MS. CAPELESS: And we have a large scale map
17 on one of the easels, the map that has been referred
18 to earlier with yellow and red coloring on it. This
19 is a map that was colored by the County in response to
20 a Staff POD request. We'd like to go ahead and
21 identify that map. That's a territory map, full scale
22 territory map.

23 COMMISSIONER DEASON: That will be
24 Exhibit 16.

25 (Exhibit 16 marked for identification.)

1 MS. CAPELESS: Thank you. We have also
2 handed out a reduced copy of that map.

3 COMMISSIONER DEASON: That will be
4 Exhibit 17.

5 (Exhibit 17 marked for identification.)

6 MS. CAPELESS: And one other exhibit
7 entitled "New Customer Rate and Charges."

8 COMMISSIONER DEASON: Exhibit 18.

9 (Exhibit 18 marked for identification.)

10 MS. CAPELESS: Thank you.

11 **CROSS EXAMINATION**

12 **BY MS. CAPELESS:**

13 Q Now, Mr. Bramlett, I'd like to refer you
14 first to the map that you have that you've prefiled,
15 the one with overlay on there that you prefiled as
16 DB-3. If you would please go to that map.

17 A Okay.

18 Q And I wanted to make sure that we are clear
19 on what the key is to the map. The solid blue lines,
20 those are the existing water mains; is that correct?

21 A Yes.

22 Q The dashed blue lines are proposed water
23 mains?

24 A Yes.

25 Q Solid green lines are existing wastewater

1 mains?

2 A Yes.

3 Q And the dashed green lines are the proposed
4 wastewater mains, right?

5 A Yes.

6 Q And then I believe you told Mr. Deterding
7 that the "E," the letter "E" equals existing line, the
8 letter "P" equals proposed line; is that right?

9 A Yes.

10 Q And then where you have 12-inch, 16-inch,
11 18-inch, etcetera, that equals the diameter of the
12 line, right?

13 A That's true.

14 Q "FM," the letters "FM" equals wastewater
15 force main, right?

16 A Yes.

17 Q And "WM" is water main?

18 A Yes.

19 Q Thank you. Now, also on this same Exhibit
20 DB-3, you've identified certain parcels by number.
21 And can you tell us what the significance is of the
22 identified parcels?

23 A You're referring to the proposed expanded
24 service area of Mad Hatter Utility, such as B-27 or
25 B-25. We had those put on the map just to show a

1 general location of some of his proposed service areas
2 versus where we have existing and proposed lines.
3 Just for orientation is the reason it was it done this
4 way.

5 Q Okay, thank you. If you would, please, sir
6 have a seat for a minute, and take a look at the
7 composite exhibit that we handed out to you that was
8 just identified as Exhibit 15. It's got several pages
9 to it.

10 And if you could just take a minute to flip
11 through these pages for us. It consists primarily of
12 County responses to Staff discovery requests. There
13 are some late-filed deposition exhibits in there,
14 correspondence, and then there is a jury verdict form
15 from the federal court case. And I wondered if you
16 could take your time, look through each of them and
17 let us know if they appear to be true and correct
18 copies of what they purport to be?

19 A Yes.

20 Q Thank you. Now, let me refer you to Pages 1
21 and 2 of this composite exhibit. In response to some
22 Staff interrogatories, 8 and 22, that appear on these
23 pages, the County identified where the water and
24 wastewater plants are located from which it intends to
25 provide service to the disputed territory. And if you

1 could please take a moment to go back to DB-3, the
2 overlay map and point out the location of each of
3 those plants that you've identified on Pages 1 and 2.

4 If they are off the map, if you could give
5 us a general location or a direction of a location.

6 A I believe on Page 1 of 2 I've identified --
7 there's an interconnect that we have on U.S. 41 north,
8 which this water main runs north along 41 about five
9 miles or six miles, and then we're interconnected at
10 State Road 52 and U.S. 41, which we call our West
11 Pasco water system. That is water that is supplied in
12 either direction up and down north and south along
13 U.S. 41 either from water being supplied from the
14 Wesley Chapel area, which is east of here, or from
15 West Pasco County, which covers West Pasco County all
16 the way from Pinellas County/Hillsborough County line
17 up to the Hernando County line.

18 I believe the second one is on State Road
19 54, the existence of a 16-inch water main which is
20 this location here in Section 27 to the east of the
21 map. Right here. This is State Road 54, and we have
22 a large water main that comes out this way in an
23 easement along the Florida -- a power line easement.
24 And this water comes from what's called the Wesley
25 Chapel or South Central service area.

1 Actually, the Land O'Lakes area and Wesley
2 Chapel is now combined to be called "the South Central
3 water system."

4 Q Then you say you have three existing
5 individual wells and water treatment plants in Lake
6 Padgett subdivision?

7 A Right. Right, there's wells. I believe
8 there's one in Lake Padgett South, which is in Section
9 30, and there's a couple of wells up here in Section
10 17. All part of the old water and sewer District A or
11 Lake Padgett water system that we took over in 1988.

12 I believe on Page 2 I've indicated there's
13 two wastewater plants that would service this area, as
14 I indicated before. In the southeast corner of
15 Section 8, we have the existing plant, which is the
16 Land O'Lakes plant permitted at 1 million gallons a
17 day. And the Wesley Chapel plant, which is being
18 taken off line in the next 60 days, is located out
19 here east of Section 27.

20 If you'll notice in the southeast corner of
21 this entire map in Section 34, you see Interstate 75.
22 From that point north, about six miles north of
23 Section 34, would be the new Wesley Center subregional
24 plant, and that plant will have 3 million gallons a
25 day of capacity.

1 Q Okay, thank you, sir. Now, in response to
2 some interrogatories that appear on Pages 3 and 4 of
3 the composite exhibit, Interrogatories No. 7 and 20 on
4 those pages, here the County indicates the maximum
5 capacity of these plants and what the committed
6 capacity would be if the County were to serve all of
7 the parcels included in Mad Hatter's amendment
8 application which are in dispute and which the County
9 intends to serve; is that right?

10 A I believe that's what the question was, yes.

11 Q Could you refer to the other map, the other
12 map that's up on the easel that we just had identified
13 as Exhibit 16 with the red and yellow colors?

14 Does this appear to be a true and correct
15 copy of the map which you produced or the County
16 produced in response to a Staff discovery request?

17 A Yes.

18 Q Could you please explain what the colors on
19 the map are meant to identify?

20 A I don't know.

21 Q This was reproduced from the original
22 Exhibit 3 to the 1992 agreement as presented to us by
23 Mad Hatter Utility, and I don't know why he presented
24 it to us in the different color coded on the map.

25 Do you recall during deposition that I took

1 of you that you testified about these colors, and you
2 said something about the color coded areas on the map
3 representing those areas for which Mad Hatter is able
4 to get flow to the County evidently is, I think, what
5 you meant?

6 A I don't recall.

7 Q Let me pull out the deposition. Page 53 of
8 the deposition that was taken on May the 2nd.

9 Okay. If you look on Line 20 of Page 53 of
10 the deposition -- I don't know if you have a copy of
11 it, but I'll read it. Mr. Deterding asks you, well,
12 he says "I'm not sure I understand what areas are the
13 only ones that are able to get flow," referring to
14 this map. And you state "color coded, that's why the
15 map was coded."

16 A I think the intent of that was to say that
17 the service area has been depicted by the color coding
18 on the map. I still don't know why we received a map
19 with two different colors on it.

20 Q Okay, thank you. Could you take a moment to
21 compare that large map with the reduced version that
22 we handed out to you and we had identified as Exhibit
23 17 and see if you can tell us if the reduced version
24 appears to be a true and correct reduced copy of the
25 larger version of the map?

1 A Yes, it does.

2 Q Thank you. Okay. I'd like to discuss --
3 I've got some questions for you that are
4 parcel-by-parcel type questions. And starting with
5 parcel B-1A which is T & G Properties.

6 Could you identify for the Commission on the
7 map, on DB-3, the overlay map, where parcel B-1A is
8 located, if you know?

9 A I don't know.

10 Q Can you tell from looking at the red and
11 yellow map?

12 A No, I can't.

13 Q Do you have a copy of LGD-4? This was
14 Mr. DeLucenay's prefiled exhibit. On the first page
15 of that exhibit, I think you'll find -- pardon me --
16 Parcel B-1A.

17 A Okay.

18 Q Can you describe the extent to which Pasco
19 County is currently prepared to serve this parcel from
20 existing or proposed water and wastewater lines?

21 A Yes. Basically, we have, as indicated on
22 this map, the proposed extension of the water main
23 south of State Road 54 on U.S. 41. This is a joint
24 project agreement with the Florida Department of
25 Transportation. They had asked us to sign a joint

1 project agreement to provide these services because
2 there were numerous takings of property north and
3 south of 54 where they were either taking the property
4 owners' well or their septic tank or their sewage
5 treatment plant.

6 So we entered into this agreement, basically
7 after Mad Hatter had refused. That's my understanding
8 from DOT, that Mad Hatter refused to sign a JPA with
9 them to do this. So the extension of this line will
10 run right down across from B-1A. And the water main,
11 as it's scheduled right now, will be on the west side
12 of U.S. 41, and the sewer main will be on the east
13 side of 41.

14 Q Okay, thank you. Does the County object to
15 Mad Hatter serving this parcel?

16 A I believe we had sent an amended objection
17 sheet. I don't remember if that one -- if it's not
18 presently served, I believe that our objection stands,
19 that we would object, yes.

20 Q Okay. If you'll take a look at Pages 5 and
21 6 of the composite exhibit. And I don't know, it
22 could be that these pages are outdated now, but maybe
23 you could help us out.

24 In response to these interrogatories, the
25 County listed the parcels that it is either currently

1 providing service to or intending to provide service
2 to, and that Page 5 refers to water, Page 6 is
3 wastewater. And this Parcel B-1A is not listed as
4 being one of those parcels that you've included.

5 Do we take that to mean that you don't
6 intend to serve it, or is it outdated?

7 A Could you give me a minute to look at the
8 list that we had sent in?

9 Q Sure.

10 A I believe we sent in a modified list.

11 Q Okay.

12 A On our modified list, we had listed B-1A,
13 which is south U.S. 41 east side, as not being
14 objected to by Pasco County. If Mad Hatter currently
15 does not have service for that area, I believe our
16 determination was that if he has existing service to
17 any of these parcels, we were not objecting to that.
18 And I don't recall if he said he had existing service.

19 Q Can you tell us what is the modified list
20 that you are referring to? Is this the list that was
21 provided to the Commission, if you know?

22 A It's my understanding there's a list here,
23 it's a two-page list that we had put together that I
24 thought had been submitted to the Commission. And
25 I'll have to have some assistance from my attorneys

1 here, because I thought that list was sent in as a
2 modified petition or objection.

3 MS. HALE: Rosanne, to clarify things,
4 that's the list you requested about three or four
5 weeks ago and we sent to you. It's actually a
6 one-page list. There's an extra piece of paper on it,
7 but that is a one-page list of properties that the
8 County objected to when you asked for clarification on
9 that issue.

10 MS. CAPELESS: We for some reason didn't get
11 the list. I think we can eliminate some questions if
12 we can see a copy of it. Do you have any extra copies
13 of it?

14 We may need to take a short break to
15 eliminate some more questions, Commissioner Deason.

16 COMMISSIONER DEASON: If we can eliminate
17 questions, we'll take a break. We'll take five
18 minutes.

19 (Brief recess.)

20 - - - - -

21 MS. CAPELESS: Commissioner, we're ready to
22 proceed.

23 COMMISSIONER DEASON: Call the hearing back
24 to order.

25 Q (By Ms. Capeless) Okay. Having gone over

1 the list, Mr. Bramlett, it appears to us now that
2 since Parcel B-1A is included in a list of parcels
3 that you've listed that you do not object -- the
4 County does not object to Mad Hatter serving, so is
5 that your testimony today, that the County does not
6 object to the Mad Hatter serving B-1A?

7 A That's true.

8 Q Thank you. Let's discuss B-20, the Willett
9 property, which is listed as being one of the parcels
10 that the County does object to; is that correct?

11 A Yes.

12 Q The County is proposing or planning to serve
13 this parcel?

14 A Yes.

15 Q Could you please indicate, if you can, on
16 DB-3 where Parcel B-20 is located?

17 A I believe it's located in this area right
18 here, which is between -- right at Section 36 -- 25
19 and 36. It's a current warehouse, I believe, that's
20 been constructed. They put in a septic tank.

21 As shown on this map, we have the proposed
22 water and sewer lines adjacent to the property to be
23 constructed with the widening of 41. You know, the
24 pipes would be, as I stated before, the water main in
25 the east right-of-way of 41, and the sewer -- in the

1 west right-of-way, and the sewer in the east
2 right-of-way.

3 We are providing several crossings and stub
4 outs, there's probably 15 or 20 for this whole project
5 that brings water and sewer back and forth across
6 under 41 while they're constructing the large
7 transmission mains to provide service so that there
8 will not need to be future jack and boards under the
9 widened U.S. 41.

10 Q When do you anticipate that construction
11 will be complete?

12 A By the end of this year.

13 Q Thank you. If you will look at Page 7 of
14 the composite exhibit labeled No. 15. On Page 7 is a
15 letter dated June 27, 1996 from you to Mr. Willett?

16 A Yes.

17 Q And according to your letter, Mr. Willett
18 was making application to the County to have its
19 wastewater service connected to Mad Hatter, correct?

20 A Yes.

21 Q Is it your experience that this type of
22 application is normally made close to the time that
23 service is actually needed?

24 A Yes.

25 Q I.e. when the final design would be known;

1 is that correct?

2 A Sometime prior to final design. Sometimes
3 it's done much earlier, but typically it's about the
4 same time the design is complete, yes.

5 Q Okay, thank you. I have some questions for
6 you concerning parcel B-24, the Kniff property. This
7 is also a parcel that the County continues to object
8 to Mad Hatter serving; is that right?

9 A Yes.

10 Q Could you please locate on DB-3 where B-24
11 is located?

12 A It's located right here in Section 36 and
13 it's labeled B-24. It's between Dale Mabry and
14 U.S. 41.

15 Q And could you describe for us how it is that
16 the County plans to serve this parcel?

17 A As described for the previous parcel, which
18 was for Willett warehouse or Willett property, that
19 same water main and force main would be constructed
20 along with the widening of U.S. 41 and will have stub
21 outs toward the end of that project going east and
22 west. And we'll at that point be at the northeast
23 corner of the Kniff property.

24 Q Would these proposed lines cross over Mad
25 Hatter's water and wastewater lines?

1 A Yes. In some of these areas where I believe
2 he crossed under 41, some of his small connections
3 come across, that we would basically do a crossing.

4 Q And when do you expect that construction
5 will be complete, also?

6 A By the end of this year.

7 Q Okay. In response to Interrogatory No. 10,
8 which appears on Page 8 of the composite exhibit, the
9 County indicates that the cost of the proposed water
10 main that would serve this parcel is estimated to be
11 \$800,000; is that right?

12 A Yes.

13 Q And then on Page 9 of the composite, the
14 County indicates that the total cost of the proposed
15 wastewater force main that would service the parcel is
16 estimated to be \$920,000, correct, total? Is that
17 total?

18 A I'm sorry, Page 9?

19 Q Right. Which is -- excuse me.

20 A Oh, I'm sorry, you are adding the 600 and
21 the 300. Yes, that's true.

22 Q Okay, thank you. Now, concerning parcel
23 B-25 again, this is a parcel that the County objects
24 to Mad Hatter serving; is that right?

25 A Yes.

1 Q Could you show us on the map DB-3 where
2 Parcel B-25 is located?

3 A It is located right here in the southwest
4 corner of Section 30.

5 Q And that's along side of which highway?

6 A It's adjacent to State Road 54 about halfway
7 between U.S. 41 and Collier Parkway.

8 Q To your knowledge, are there any DOT
9 right-of-way determinations pending which could affect
10 the development design of this parcel?

11 A It's my understanding the DOT takings
12 along -- when they eventually do widen 54, will be
13 along the north existing right-of-way, yes.

14 Q Do you have any knowledge of when DOT
15 intends to make a decision regarding the final design?

16 A I don't have the schedule in front of me. I
17 don't know what phase they are. I believe it was
18 scheduled for completion around the year 2000, as I
19 recall.

20 Q Thank you. Could you please describe the
21 extent to which the County is currently prepared to
22 serve the parcel from existing or proposed water and
23 wastewater lines?

24 A We have two ways of serving this parcel. We
25 have an existing force main within the 54 right-of-way

1 at the southern edge of the property boundary. We're
2 currently having a developer construct this line water
3 main from Collier Parkway back to the east along the
4 54 right-of-way, and we can extend that line then on
5 further over to the Ash property.

6 In Section 30, you notice there's the clear
7 parcel just east of B-25, is known as the Eloian Lake
8 Estate development. We currently have water and sewer
9 services in there. The infrastructure is complete so
10 we could provide --

11 Q I'm sorry, what lake estates did you say?

12 A It's call Eloian, E-L-O-I-A-N, Lake Estates.

13 Q Thank you.

14 A I didn't show all of our infrastructures on
15 these maps. I just showed the major transmission
16 mains. But we could provide service through the --
17 this is called the Old Camp Indian Head development,
18 that we could provide services in that development,
19 water and sewer.

20 Q Just one moment, if you would, please.

21 Mr. Bramlett, could you explain why the
22 County's State Road 54 force main, it appears to flip
23 to the south side of State Road 54 just west of this
24 Parcel B-25. Could you explain why it does that?

25 A Basically, when we were constructing this

1 force main which takes sewage from a master pump
2 station, sits right there next to the Pasco Plaza in
3 Section 25, we looked at the routing of that forced
4 main coming over here to where it would interconnect
5 and pump to what's called the Willow Bend pump
6 station, which is this location on Collier Parkway in
7 the northeast corner of Section 31.

8 We came to the south side there because
9 there's future right-of-way that's been, basically,
10 donated by the developer of this property through
11 here, where we put that force main in that future DOT
12 right-of-way where it's far enough away where we won't
13 have to relocate that section when they widen 54.

14 Q After the flip to the south side of State
15 Road 54, does the force main remain on the south side
16 of State Road 54 for both its existing and proposed
17 segments until the main turns north past Carpenters
18 Run on the far east side of the map?

19 A Yes. This newly constructed force main
20 between Collier Parkway and Carpenters Run will be on
21 the south side here, because the takings of DOT to
22 widen 54 are proposed to all be on the north side.

23 Q Okay. If you'll take a look at Page 8 of
24 the composite exhibit now, please, sir. The County
25 indicates that the cost of the proposed water main

1 that would serve parcel B-25 is estimated to be
2 \$800,000, right?

3 A I believe I've said on Page 8 that B-25 is
4 part of the Parcel C-6A, C-8, C-9 and B-25, and that's
5 890,000.

6 Q Okay, thank you. Then on Page 9 you
7 indicate that the total cost of the proposed
8 wastewater force main would be 920,000.

9 COMMISSIONER KIESLING: I'm sorry, I'm
10 confused. When I add mine up it's 920 -- I mean, it's
11 900.

12 Q (By Ms. Capeless) Okay. Mr. Bramlett, if
13 you will look on Page 9 of the interrogatory and
14 describe what the cost would be. There may be a
15 correction that needs to be made on that page, it
16 looks like.

17 A What I have said on Page 9 under the first
18 four parcels I've listed, it says "Construction of an
19 existing 8-inch force main from U.S. 41 to Collier
20 Parkway." This is an existing force main that goes
21 from here to here. I believe I indicated that was a
22 \$300,000 project. Then I've indicated in the second
23 sentence of that, says the currently constructing --
24 or constructed 12-inch force main will go from Collier
25 Parkway here, the one that's in dashed green, it goes

1 out to Carpenters Run, will be about 600,000.

2 Q Okay. Thank you, sir. If you will take a
3 look on DB-3 and see if you can point out Parcel B-26,
4 Meadow View. This is also a parcel that the County
5 objects to Mad Hatter serving; is that right?

6 A Yes. This is the parcel that's here, south
7 of the Kniff property between Dale Mabry and U.S. 41.

8 Q Can you please describe the extent to which
9 the County is prepared to serve this parcel from
10 existing or proposed water and wastewater lines?

11 A What we would propose to do here is either
12 go down Dale Mabry with an extension of these major
13 transmission mains, we'd probably downsize them
14 somewhat and bring it down along Dale Mabry. And then
15 when it's secure, an easement to come back in across
16 to the property this way, or we can extend the lines
17 down 41 and then secure an easement to come this way.
18 Either way we can supply -- would supply water and
19 sewer to the northern portion of that development.

20 Q Can you please explain why the map DB-3
21 doesn't show any proposed lines intended to serve this
22 parcel?

23 A As I said, we basically have shown what we
24 have under contract and what's permitted. Whenever
25 developers come in for extensions of service, we don't

1 call these our major transmission mains. This would
2 be a service connection or a smaller line if it would
3 come down to these parcels.

4 And I basically wanted to indicate to you
5 exactly what we have under contract or what's been
6 permitted, not what we're projecting or proposing 10
7 years in the future or whenever this development's
8 needs for services would occur.

9 Q Thank you. Could you indicate on the map
10 DB-3 where parcel B-27 is located? That's the Como
11 Club?

12 A That's the Como Club. It's this area right
13 here located in Section 35.

14 Q And this is another parcel that the County
15 does object to Mad Hatter serving?

16 A Yes.

17 Q Can you please describe the extent to which
18 the County is prepared to serve this parcel from
19 existing or proposed lines?

20 A Yes. I had a meeting with the board of
21 directors about four weeks ago, and we discussed
22 several points of service. One would be line
23 extension out Leonard Road. And you can see right
24 here where the existing force main that goes to
25 Paradise Lakes already crosses under U.S. 41. And we

1 would tap that force main and run that line either out
2 Leonard Road, or we could do an extension down Dale
3 Mabry and come into their parcel as they have a
4 right-of-way or an access out on Dale Mabry this way.

5 For water service we would do the same
6 thing. We'd more than likely bring water, since we're
7 already making a water crossing here at Leonard with
8 the DOT project, we would take that line and extend it
9 on out Leonard Road to the property's entrance right
10 here. And then they, of course, would provide or
11 construct the infrastructure of their system to tie
12 into the County's water main and their force main.

13 Q And the County is currently providing bulk
14 wastewater service to Paradise Lakes; is that right?

15 A Wastewater service only to Paradise Lakes,
16 which is in this area right here in the northeast
17 corner of Section 35.

18 Q Okay, thank you. Moving on to parcel C-6A.
19 Again, this is a parcel that I believe the County --
20 does the County object to Mad Hatter serving C-6A?

21 A Yes.

22 Q Could you identify on DB-3, the map, where
23 C-6A is located, please?

24 A It's these two commercial tracts, which is
25 in the southwest corner of Section 28 between the

1 entrance road to the Twin Lakes subdivision.

2 Q Now, Mad Hatter has testified, I believe,
3 that it is currently serving within this parcel. Do
4 you have any knowledge of that?

5 A No, I don't. I believe I heard his
6 testimony say he has an irrigation meter in there. I
7 don't really call that service.

8 Q Okay. Can you tell whether parcel C-6A is
9 colored on the territory map that's been identified as
10 Exhibit 16?

11 A Yes, it's these two parcels right here.

12 Q Okay. Does this mean that the County has
13 agreed to treat Mad Hatter's wastewater from C-6A to
14 the extent the County has capacity available to do so?

15 A That was on the map, and it's colored in.
16 Yes, is that, to the extent that we have uncommitted
17 capacity available, that's true.

18 Q Okay. Moving on then to parcel C-68 and
19 this is the Highland Oaks -- excuse me, C-8, parcel
20 C-8, Highland Oaks.

21 A Yes.

22 Q Does the County object to Mad Hatter serving
23 this parcel as well?

24 A We object to the southern portion of it, not
25 the northern portion where he has existing service.

1 Q Okay. Can you tell us how the County
2 proposes to serve the southern portion then?

3 A Basically, we have a water main. It's on
4 State Road 54 which is adjacent to the property, and
5 we have the proposed force main, as I stated, that's
6 being constructed, as we speak, along State Road 54,
7 which will be completed in July of this year. We
8 provide service to the southern part of that tract
9 through that water main and that force main.

10 Q Okay, thank you. Now, is it true then that
11 the County does not object to Mad Hatter serving
12 Phases I and II of the Reiber Medical Center which is
13 located within this parcel?

14 A If Phase I and II is strictly what's already
15 constructed, that's true.

16 Q Okay. And is Parcel C-8 colored on the bulk
17 service agreement map identified as Exhibit 16?

18 A Yes.

19 Q Does that mean it's included within the bulk
20 service agreement between the County and the
21 Utility -- and Mad Hatter?

22 A It would be the same situation as C-6A where
23 we felt like there's no more uncommitted capacity; the
24 plant is overcommitted. And we feel we can serve it
25 better.

1 Q Okay, thank you. Let me just take one
2 minute, if you don't mind, to confer with Staff.
3 (Pause)

4 Mr. Bramlett, could I refer you please to
5 Page 25 of the composite exhibit. This is a letter to
6 me by Ms. Karla Stetter, the county attorney, on Pages
7 25 and 26, and it concerns Reiber Enterprises. And
8 what we'd like to know -- and in the letter
9 Ms. Stetter indicates that the County doesn't object
10 to Mad Hatter serving this. Does this Reiber -- is
11 Reiber Enterprises located within Phase II?

12 A It's my understanding that Phase I and Phase
13 II is what's currently in service, currently
14 constructed and being serviced by Mad Hatter Utility.

15 Q Can you explain the purpose of the letter?

16 A I believe the letter was the fact that the
17 County had issued the building permit for this
18 facility and that there was some questions again about
19 the plant being overcommitted and the fact that we
20 feel like Mad Hatter's capacity is maxed out at
21 350,000 gallons.

22 They had -- in my opinion, the county
23 attorney had worked out an opinion which is a
24 three-party agreement that says "The signing of that
25 service to allow that flow to go into the Land O'Lakes

1 facility would not be used in any litigation amongst
2 the parties in the future."

3 Q Now didn't you say that the County doesn't
4 object to Mad Hatter serving the northern portion of
5 this parcel?

6 A Which is what this is about.

7 Q Okay, Reiber is within the northern portion
8 of the parcel?

9 A Yes, ma'am.

10 Q Okay, thank you. Parcel C-9 now is the
11 Myrtle Lakes Baptist Church, and this is another
12 parcel that the County objects to Mad Hatter serving;
13 is that right?

14 A Yes.

15 Q Could you identify where this parcel is
16 located on the map?

17 A It's this rectangular piece of property,
18 close to the intersection of Collier Parkway and State
19 Road 54, north of State Road 54.

20 Q And can you please describe the extent to
21 which the County is prepared to serve the parcel?

22 A We have an existing water main within the
23 right-of-way of State Road 54 adjacent to the
24 property. And, again, we're constructing the force
25 main between Collier Parkway and Carpenters Run which

1 will be completed by July of 1997. And we can provide
2 services within the 54 right-of-way adjacent to the
3 property.

4 Q Okay, thank you. Parcel C-10 is the Ash
5 property. Does the County object to Mad Hatter
6 serving it?

7 A Yes.

8 Q And where is that located on DB-3?

9 A It's located between Parcel C-9 and Collier
10 Parkway in this northeast quadrant of Collier Parkway
11 and State Road 54.

12 Q And the map shows existing Pasco County
13 water and wastewater lines immediately adjacent to
14 this parcel on Collier Parkway; is that correct?

15 A We have an existing water main on 54 and
16 along Collier Parkway adjacent to this parcel, and a
17 force main up Collier Parkway which is existing, and a
18 proposed force main along State Road 54. We could
19 interconnect at either of those locations, either on
20 Collier Parkway or State Road 54.

21 Q And how are you proposing to do that?

22 A It's my understanding there's a Winn Dixie
23 that's going to be built here. I believe there's some
24 preliminary plans that's been submitted to the County
25 and the engineer has contacted us for connection

1 services.

2 I haven't talked to them directly, but I
3 believe my staff has talked to them about how the
4 services would be made or provided to them from the
5 Collier Parkway force main and water main.

6 Q Okay, thank you, Mr. Bramlett. If you would
7 go ahead and take your seat, I don't think I'm going
8 to need to refer you to the map anymore, but I do have
9 a few other questions for you.

10 On Pages 33 and 34 of the composite exhibit,
11 the County indicates that there are in excess of 3,000
12 parcels in the South Central Pasco area in which the
13 County intends to provide water and wastewater
14 service; is that correct?

15 A Yes.

16 Q And then on Pages 35 and 36 of the composite
17 exhibit, you list specific areas where you are
18 currently serving?

19 A Yes.

20 Q Could you -- I guess I do need you to go
21 back to the map. Using DB-3, please indicate where
22 those specific areas are?

23 A I'll just start with the list, Lake Padgett
24 is in this area in Section 17, probably in Section 19
25 down to Section 30. Pasco Plaza, this commercial

1 development over here. Swan Lake is a development
2 that is on Lake Padgett which sits in this area.

3 Q What parcel is that?

4 A That's in Section 24. I don't have a --

5 Q Section 24?

6 A Section 24. The ABC Pizza, we have service
7 here at Lake Patience Road and U.S. 41. I believe
8 it's in this area -- I'm sorry, right here in
9 Section 13.

10 Willow Bend is this large development down
11 here where Collier Parkway goes through the middle of
12 it in Section 31 and 32. Eloian Lake Estates, as I
13 stated before, is in Section 30, just south of Lake
14 Padgett South and east of the Ash property, which is
15 labeled B-25. Sanders Elementary School, and it's
16 over here on School Road in this area of section --
17 southern section of Section 12. Myrtle Lake
18 Elementary School is off of Collier Parkway in Section
19 30, just east of Lake Padgett South. The Denham Oaks
20 School, as I explained before, is in this area of
21 Section 23, which we are currently providing service
22 for off of State Road 54.

23 Cypress Lakes Estates, I'm going to have a
24 hard time. I can't recall exactly where that is, if I
25 can remember. State Coach Village is in this area.

1 Q "This area" being?

2 A Which is Section 22, the southwest corner.
3 Cypress Lakes Estates is adjacent to Stage Coach
4 Village. It's also in Section 22. And Grand Oaks is
5 just north of there, and it's in Section 25. All of
6 these are along State Road 54 as you head out towards
7 Interstate 75.

8 Q Thank you. And was it Cypress Lakes Estates
9 that you said you didn't remember?

10 A Well, Cypress Lakes Estates I did say then
11 is basically between Stage Coach Village and Grand
12 Oaks.

13 Q Okay, thank you. Mr. Bramlett, would you be
14 able to provide us as a late-filed exhibit a legal
15 description of the territory comprising the south
16 portion of parcel C-8, which portion the County
17 proposes to serve?

18 A Yes.

19 Q And what we would need is a meets and bound
20 description or either a quarter section description?

21 A Yes.

22 Q Thank you.

23 MS. CAPELESS: We'll identify then. That is
24 a late-filed exhibit, please, Commissioner.

25 COMMISSIONER DEASON: Yes, Exhibit 19.

(Late-Filed Exhibit 19 marked for identification.)

1 MS. CAPELESS: And label it "Legal

2 Description for a Portion of C-8."

3 Q (By Ms. Capeless) Okay. Mr. Bramlett, you
4 may recall in your deposition that we had that I asked
5 you some questions regarding what rates and charges
6 would apply for a new residential customer obtaining
7 water and wastewater service from the County without
8 the reclaimed water service.

9 A Yes.

10 Q We've prepared an exhibit that we've passed
11 out and had identified as Exhibit No. 18, which
12 contains the various rates and charges that may be
13 applicable to a residential customer with a
14 five-eighth by three-quarter inch meter obtaining
15 service from the County. Do you have that before you?

16 A Yes.

17 Q Could you take a minute to review the
18 exhibit, please, sir? And let us know if you can
19 agree whether these rates and charges are correct?

20 A As best as I can recall, yes.

21 Q Thank you. Would you also agree that the
22 sample bill calculations at 6,000, 8,000 and 10,000
23 gallons at the bottom of the page are correct figures?

24 A Yes.

25

1 Q Thank you. I have just a few more
2 questions. Isn't it of some benefit to the County to
3 have its treatment plants fully utilized rather than
4 have them operate at a less optimal level?

5 A Basically, yes. That we have a capital
6 expenditure there, the problem with trying to utilize
7 all of the capacity once the plants are built is you
8 can't keep up with yourself, you always have to build
9 excess capacity in your plants. We've learned that
10 you need to build at least seven to ten years of
11 excess capacity in our facilities, and each one is
12 different. When it comes on line and you abandon
13 interim package wastewater plants, some of them will
14 come on line at 30% capacity, some of them at 50%.

15 Q Assuming for the moment that Mad Hatter were
16 to receive the territory amendment that it is
17 requesting in this docket and that the County has
18 uncommitted capacity at either its Land O'Lakes or
19 Wesley Center plants, wouldn't the County benefit by
20 receiving revenues from Mad Hatter as a bulk customer?

21 A I think the contract stands for itself as
22 it's written. We have an existing contract to provide
23 service, and we are providing service through that
24 contract. If Mad Hatter wants us to amend the
25 contract or ask for additional capacity, I'm sure we'd

1 be willing to discuss that with him.

2 **COMMISSIONER KIESLING:** Mr. Branlett, that
3 did not answer the question. She asked you whether
4 the County would benefit from receiving revenues
5 rather than having unused capacity.

6 **WITNESS BRANLETT:** The answer is, yes, it's
7 better to have revenues coming in to the facility or
8 for flow coming in the facility without the revenues.
9 The answer is yes.

10 **Q** (By Ms. Capeless) Thank you. Wouldn't
11 this also allow the County's plans to operate more
12 efficiently rather than having them sitting with
13 unutilized capacity?

14 **A** I don't agree with that. Basically, we
15 make -- plan expansions based on our growth
16 projections for each of our service areas. We have
17 certain relative projections and cost projections
18 based on the existing customer base and the future
19 customer base that would come into each of the
20 facilities.

21 And as I said, it depends on each
22 subregional service area and that planning phase that
23 we go through as to whether the flow is going to be
24 all there when the plant's built so you immediately
25 have to start your next phase, or whether you are

1 going to have existing future capacity for your future
2 customers.

3 Q Okay, thank you.

4 MS. CAPELESS: No further questions.

5 COMMISSIONER DEASON: Redirect.

6 MS. HALE: Commissioner Deason, I mentioned
7 to you that Keith Templeman needed to testify this
8 morning. Would you like to take him now? He's very
9 brief, before redirect, or would you like me to do
10 redirect? I know we are toward the luncheon hour,
11 that's why I mention this.

12 COMMISSIONER DEASON: Go ahead with your
13 redirect, and then we'll take Mr. Templeman before
14 lunch.

15 REDIRECT EXAMINATION

16 BY MS. HALE:

17 Q Mr. Bramlett, you testified that the Florida
18 Department of Transportation contacted Pasco County
19 and requested that the County run lines down U.S. 41;
20 is that correct?

21 A Yes.

22 Q And the purpose of that was because they
23 were taking septic tanks; is that correct?

24 A Yes, they were taking septic tanks, they are
25 taking private wells, they were taking public water

1 supply wells and sewage treatment plants in their
2 takings.

3 Q And it is your understanding that before the
4 County was contacted, the Florida Department of
5 Transportation contacted Mad Hatter to see if Mad
6 Hatter wanted to run those lines and were told no --

7 COMMISSIONER KIESLING: Ms. Hale. Ms. Hale,
8 you are on redirect, and you are leading.

9 MS. HALE: Oh, I'm sorry.

10 COMMISSIONER KIESLING: Just ask him what
11 his understanding is, don't tell him what you want him
12 to say.

13 Q (By Ms. Hale) What was your understanding
14 as to what the Florida Department of Transportation's
15 negotiations with Mad Hatter were?

16 A My understanding was that they had contacted
17 Mad Hatter Utility hoping that in the areas where he
18 did have some services available, that he would expand
19 those services to help them with these takings, and he
20 refused to do so.

21 Q Now, you were asked some questions about the
22 Land O'Lakes wastewater treatment plant. What is the
23 permitted capacity at that plant?

24 A Currently, the Land O'Lakes plant is
25 permitted at 1 million gallons a day.

1 Q What is the committed capacity at that
2 plant?

3 A The committed capacity is 1.306 million
4 gallons a day, a 1,306,000 gallons a day.

5 Q Would you please look at Page 1 of the 1992
6 agreement with Mad Hatter which is DB-1. Do you have
7 that in front of you?

8 A Yes.

9 Q And would you please look at the first page,
10 the third "whereas" paragraph?

11 A Yes.

12 Q And does that indicate what wastewater
13 treatment plant the parties anticipated that this
14 sewage would be treated at?

15 A Yes, it does. It says from the Land O'Lakes
16 subregional wastewater treatment plant.

17 Q Now, as long as we have the agreement out,
18 you have testified before that the County was not
19 willing to accept sewage from Mad Hatter from outside
20 of the area described on the map attached to this
21 agreement. Is there any provision in the agreement
22 that limits geographically the area from which the
23 County has to accept sewage?

24 A Yes, I believe the agreement is very
25 specific, that it says it would only accept wastewater

1 from his certificated service area or from the service
2 area as indicated on the Exhibit 3 map. It was very
3 limiting.

4 Q And that map, can you tell us who prepared
5 the map that is attached?

6 A The original of the map is to my left. The
7 reproduced map is on the board behind me. And the
8 original was presented to me by Mr. DeLucenay when we
9 were signing the 1992 agreement.

10 Q Can you explain why Mr. DeLucenay did not
11 include his entire PSC certificated territory on the
12 map attached as an exhibit to the agreement?

13 A No, I can't.

14 Q Now you were asked some questions about the
15 difference between the service area map and your
16 understanding of what the PSC certificated territory
17 is. Are there differences between the two?

18 A Yes.

19 Q You were asked about the Oak Grove
20 subdivision and the Denham Oaks School. And you were
21 asked whether Mad Hatter had sent a letter indicating
22 it wasn't going to provide service. Did Mad Hatter
23 ever provide wastewater service to the school?

24 A No. They had provided, as I stated before,
25 construction water for construction to the school;

1 but, in my opinion, that was not adequate for
2 full-time water service which would include normal
3 potable service and fire flow requirements.

4 Q Isn't it true that they laid a 2-inch line
5 on top of the ground.

6 A I believe I've heard that. I did not see
7 that myself, but I've heard that.

8 COMMISSIONER KIESLING: Well, and not to
9 mention that it was leading.

10 Q (By Ms. Hale) The rate study, you were
11 asked questions about the rate study. Did that
12 reallocate expenses from one category to another?

13 A Yes, it did. It basically reallocated --
14 since 1990 we've constructed extensive reuse or
15 reclaimed water systems throughout the County. And a
16 certain allocation of that in 1990 had been applied
17 for the bulk sewer customers. And some of it had been
18 applied and the rest was applied to the residential
19 customers. But since 1990, the majority, if not all
20 of that system that we've constructed since then, has
21 been provided for the residential customers only.

22 So, therefore, when the rate study was done
23 in 1995, the rate consultant says "You guys, Pasco
24 County, you need to reallocate those funds and those
25 costs and those cost centers to appropriately

1 establish your new rate schedules so that each
2 customer is paying for the appropriate plant and
3 facility including the operation maintenance cost and
4 other costs."

5 Q Did Pasco County attempt to help Mad Hatter
6 at one time by entering into an agreement?

7 A Yes, we did. We, basically, in 1991, signed
8 a short-term agreement; it was an 18-month agreement.
9 Since Mad Hatter was in such dire straits or in such
10 trouble with DEP and EPA and several other state
11 agencies, that we offered them a temporary agreement,
12 which we executed. Thereafter we offered him a
13 25-year agreement which we executed and this is a
14 subject -- I mean, this is the agreement we've been
15 reading from. It was executed in February 1992.

16 We basically gave Mad Hatter 350,000 gallons
17 of capacity with no charge to Mad Hatter whatsoever.

18 Q What percentage of the available capacity at
19 that time was that 350,000 gallons for the Land
20 O'Lakes treatment plant?

21 A It was a third of our capacity that we had.

22 Q And what has Mad Hatter's response been to
23 the County bailing it out?

24 A Well, as far as I'm concerned, Mad Hatter
25 took the agreement, and we bailed them out, and in my

1 opinion, we've basically been stabbed in the back by
2 Mad Hatter.

3 I think we did what was right in that area.
4 The people in that area were extremely upset with all
5 the sewage overflows that was going on and that, in my
6 opinion, we did bail him out. And all we've received
7 from that is nothing but suits and problems ever
8 since.

9 Q You were asked how much money you'd spent on
10 laying pipe in the line. Has Pasco County also spent
11 a considerable amount of money defending itself in the
12 federal court litigation?

13 A Yes, we have.

14 MS. HALE: Nothing further.

15 COMMISSIONER DEASON: Exhibits.

16 MS. HALE: Yes, we'd like to offer into
17 Exhibit LD-1, 2 -- I'm sorry DB-1, 2 and 3 which are
18 Composite Exhibit 11.

19 COMMISSIONER DEASON: Without objection,
20 Composite Exhibit 11 is admitted.

21 (Exhibit 11 received in evidence.)

22 MR. DEFENDING: I'd like to offer in
23 Exhibits 12, 13, and 14.

24 COMMISSIONER DEASON: Without objection,
25 Exhibit 12, 13 and 14 will are admitted.

1 (Exhibits 12 through 14 received in
2 evidence.)

3 MS. CAPELESS: And Staff moves Exhibits 15,
4 16, 17, and 18.

5 COMMISSIONER DEASON: Without objection,
6 Exhibits 15 through 18 are admitted.

7 (Exhibits 15 through 18 received in
8 evidence.)

9 COMMISSIONER DEASON: Thank you,
10 Mr. Bramlett.

11 Ms. Hale, you may call Mr. Templeman.
12 (Witness Bramlett excused.)

13 - - - - -

14 MS. HALE: Thank you. We call Keith
15 Templeman. I don't believe he's been sworn in.

16 COMMISSIONER DEASON: Very well. Please
17 raise your right hand.

18 (Witness sworn.)

19 COMMISSIONER DEASON: Thank you, please be
20 seated.

21
22
23
24
25

KEITH TEMPLEMAN

1
2 was called as a witness on behalf of Pasco County and,
3 having been duly sworn, testified as follows:

DIRECT EXAMINATION

4
5 **BY MS. HALE:**

6 Q Would you please state your name for the
7 record?

8 A My name is Keith Templeman.

9 Q And are you the same Keith Templeman who has
10 filed prefiled testimony with the Public Service
11 Commission consisting of two pages?

12 A Yes, I am.

13 Q And do you have any changes or corrections
14 to make to your direct testimony?

15 A No.

16 Q If I were to ask you the same questions as
17 posed in your testimony, would your answers be the
18 same today?

19 A Yes.

20 **MS. HALE:** We would propose to have
21 Mr. Templeman's testimony inserted into the record as
22 though read.

23 **COMMISSIONER DEASON:** Without objection, it
24 is so inserted.

25

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 960576-WS

MAD HATTER UTILITY, INC.

APPLICATION FOR AMENDMENT OF

WATER AND WASTEWATER CERTIFICATE

NOS. 340-W AND 297-S IN PASCO COUNTY, FLORIDA

LATE-FILED TESTIMONY OF KEITH TEMPLEMAN

Q. What is your name and occupation?

A. Keith Templeman and I am employed as the administrative support manager for Hillsborough County Utilities.

Q. Larry DeLucenay, the president of Mad Hatter Utility, Inc., has testified in this matter that he may want to send wastewater from Pasco County to Hillsborough County for treatment. Would Hillsborough County agree to treat that sewage?

A. Hillsborough County would only agree to treat sewage from either a private or a public utility system in Pasco County after first entering into an interlocal agreement with Pasco County. Since our closest point of service is approximately seven miles away, it appears highly

unlikely that it would be cost effective to send the sewage to Hillsborough County for treatment.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy hereof has been served upon Roseanne Capeless, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32399-0863, and F. Marshall Deterding, Rose Sundstrum & Bentley, 2548 Blairstone Pines Drive, Tallahassee, Florida 32301, this ___ day of May, 1997.

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

By: 

MARION HALE
Post Office Box 1368
Clearwater, FL 34617
(813) 461-1818
Attorneys for Pasco
County

1 MS. HALE: And tender him for cross
2 examination.

3 COMMISSIONER DEASON: Mr. Deterding.

4 MR. DETERDING: Yes, just a second.

5 CROSS EXAMINATION

6 BY MR. DETERDING:

7 Q Mr. Templeman, have you measured the
8 distance between the existing facilities of Mad Hatter
9 Utility and the Hillsborough County's nearest
10 treatment facility?

11 A No.

12 Q You've estimated seven miles away. Do you
13 know where -- how you arrived at that number there?

14 A That was a number that was provided to me by
15 Staff in our planning department who estimated the
16 distance from our facilities in Northwest Hillsborough
17 to an area approximately on the county line,
18 Pasco/Hillsborough County line.

19 Q Okay. Do you know at what point on the
20 county line?

21 A No, because we've had no request for
22 service.

23 Q So you don't know how accurate that estimate
24 is then if you don't know where on the county line --

25 A The estimate is due north from our

1 facilities which would be up Dale Mabry Highway or up
2 U.S. 41.

3 Q Thank you. Have you done any study of the
4 cost of constructing such an interconnect line?

5 A No, I haven't.

6 Q So you really don't have any idea how much
7 that would -- how much that would cost or whether it
8 would be cost-effective?

9 A No, sir, that's not true.

10 Q All right. Well, tell me how you know it
11 would be cost-effective if you don't know the costs?

12 A Well, I do know that there have been many
13 projects in Hillsborough County, and we have a
14 standard that we use in our planning department that
15 tells us how far it would be reasonable to extend
16 lines.

17 No time in the history of Hillsborough
18 County have we extended a line seven miles for a
19 project, to the best of my knowledge, and I've been
20 there -- in Hillsborough County for 27 years, and I've
21 been with the utility department for about 12 --
22 excuse me, 14.

23 Q And have any of those projects that you've
24 referred to been in the nature of half a million
25 gallons of sewer service?

1 A Like I said, there's never been a project
2 that extended the line for seven miles, so the answer
3 to your question is, no, there have never been any.

4 Q I apologize. Have you ever encountered a
5 situation where there was a need for service seven
6 miles away and they analyzed whether it would be
7 cost-effective to do that?

8 A Yes.

9 Q And what was that?

10 A The question -- we've had requests for
11 service as far away as seven miles -- as 14 miles, 15
12 miles. And in those situations the answer was it was
13 not feasible to provide that service.

14 Q What about situations where it was seven
15 miles?

16 A Precisely seven? No, sir.

17 Q So you haven't done a cost benefit analysis
18 in this case to determine whether or not it's
19 cost-effective to do that?

20 A It's difficult to do that without knowing
21 what the level of service you're asking for or
22 whatever. But as I said to you, our judgment was
23 based on the fact that we did not anticipate that it
24 would be feasible to extend a line seven miles long to
25 provide service.

1 **Q** But apparently someone, either in your
2 department or someone requesting service has at least
3 looked in to the possibility of extending a line 14
4 miles to see whether it was cost-effective?

5 **A** That's correct.

6 **MR. DETERDING:** I don't have anything
7 further.

8 **COMMISSIONER DEASON:** Staff.

9 **MS. CAPELESS:** Staff has no questions.

10 **COMMISSIONER DEASON:** Redirect.

11 **MS. HALE:** None.

12 **COMMISSIONER DEASON:** Thank you,
13 Mr. Templeman.

14 (Witness Templeman excused.)

15 - - - - -

16 **WITNES TEMPLEMAN:** Thank you.

17 **COMMISSIONER DEASON:** Let's go ahead and
18 take Mr. Gallagher. Is he here?

19 **MS. HALE:** Yes, he is here.

20 **COMMISSIONER DEASON:** Very well. Please
21 raise your right hand.

22 (Witness sworn)

23 Thank you. Please be seated.

24

25

JOHN GALLAGHER

1
2 was called as a witness on behalf of Pasco County and,
3 having been duly sworn, testified as follows:

4 **DIRECT EXAMINATION**

5 **BY MR. SAMARKOS:**

6 Q Would you please state your full name for
7 the record?

8 A John James Gallagher.

9 Q Are you the same John James Gallagher who
10 has filed or caused to be filed prefiled direct
11 testimony in this docket consisting of four total
12 pages?

13 A I only have three pages in front of me. If
14 I could see the --

15 **COMMISSIONER KIESLING:** Yeah, I'm confused,
16 too. I've got a Page 1 and a Page 2, and then the
17 third page is the certificate of service.

18 **MR. SAMARKOS:** There's also the prefiled
19 testimony in response to the Hillsborough County
20 issue.

21 **COMMISSIONER KIESLING:** You need to deal
22 with those two separate then.

23 Q (By Mr. Samarkos) Did you cause to be
24 filed prefiled direct testimony consisting of three
25 pages, Mr. Gallagher?

1 A Yes.

2 Q And that would have been on or about March
3 17 of '97?

4 A Yes.

5 Q Did you also cause to be filed prefiled
6 direct testimony on or about May 8 of 1997 consisting
7 of three pages?

8 A Yes.

9 Q Do you have any changes or corrections to
10 make in your direct testimonies?

11 A No, I do not.

12 Q If I were to ask you the same questions as
13 posed in your testimonies, with the exception of any
14 corrections, would you give the same answers today?

15 A Yes, I would.

16 Q We'd propose to have both of Mr. Gallagher's
17 direct testimonies inserted in the record as though
18 read.

19 **MR. DETERDING:** And I would object to the
20 entry of his second late-filed direct testimony. I
21 believe that's beyond what the County was authorized
22 to submit, and what they have already submitted in the
23 testimony of Mr. Templeman is extreme in that it is
24 surrebuttal testimony. So I would object to the entry
25 of Mr. Gallagher's -- I don't know how to distinguish

1 the two, the late-filed prefiled direct testimony.

2 COMMISSIONER DEASON: Mr. Samarkos.

3 WITNESS GALLAGHER: The necessity for the
4 late-filed testimony is Mr. Templeman testified that
5 the only way Hillsborough County would agree to treat
6 sewage is if Pasco County entered into an agreement
7 with Hillsborough County to do that. We only found
8 out about the issue of Hillsborough County, not in the
9 direct testimony but through some rebuttal that was
10 provided by Mr. DeLucenay. Mr. DeLucenay didn't
11 provide testimony in that Hillsborough County would
12 have to enter into an agreement with Pasco County.

13 We investigated the situation. We found out
14 that Hillsborough County, through Mr. Templeman's
15 testimony, would not enter into an agreement to treat
16 this sewage without Pasco County's consent.

17 We've got the first part of Mr. Templeman's
18 testimony. This just provided the back up that this
19 is not a viable option because the County would refuse
20 to enter into an agreement. It completes the cycle
21 that we had no knowledge about, this was never raised
22 with the County until the rebuttal, and we had no way
23 to find out about this.

24 COMMISSIONER DEASON: Was this matter
25 discussed at the prehearing?

1 **MR. SAMARKOS:** Yes.

2 **COMMISSIONER DEASON:** Was there a ruling
3 made?

4 **MR. SAMARKOS:** Yes.

5 **COMMISSIONER DEASON:** And what was your
6 understanding of the ruling?

7 **MR. SAMARKOS:** Our understanding was we were
8 allowed to file late-filed testimony relating to the
9 Hillsborough County issue.

10 **COMMISSIONER KIESLING:** That wasn't my
11 understanding, my understanding was I very specific
12 that I said you could file late-filed testimony from
13 your Hillsborough County witness that you didn't know
14 the identity of yet.

15 **MR. SAMARKOS:** Correct, Commissioner.
16 However, the witness had not told us at that time that
17 Pasco County would have to enter into the agreement.

18 **COMMISSIONER KIESLING:** I understand that.
19 But what you just characterized as what the ruling
20 was, was not correct.

21 **MR. SAMARKOS:** I apologize then. That was
22 our understanding, it was -- if this related to the
23 Hillsborough County issue. If it was limited to that
24 witness, then that was not what we had interpreted,
25 but we are incorrect then in terms of what the ruling

1 is.

2 However, in response, I would say we did not
3 know, and we had no way to know at that time in terms
4 of what the issue would be. The rebuttal testimony
5 had not been provided in sufficient time for us to
6 contact Hillsborough County and get this information.

7 **COMMISSIONER DEASON:** There was no ruling
8 concerning additional testimony from Mr. Gallagher.

9 **MR. SAMARKOS:** No, there was no ruling.

10 **COMMISSIONER DEASON:** And, Mr. Deterding,
11 your objection is -- state your objection again,
12 please.

13 **MR. DETERDING:** The ruling, as I recall it,
14 was that they asked to bring in a witness from
15 Hillsborough County. And, honestly, my recollection
16 was it wasn't specifically granted, but they were
17 given the opportunity to prefile it, and I thought we
18 would deal with it here.

19 But I was corrected by Commissioner Kiesling
20 that she said they could do that, but it was specific
21 to a Hillsborough County witness, was my recollection.
22 I have the transcript if you all want to try and find
23 it.

24 **COMMISSIONER DEASON:** Very well. The
25 prefiled testimony of Mr. Gallagher that was filed on

1 or about March the 18th will be admitted consisting of
2 two pages. It will be inserted into the record. The
3 additional prefiled direct testimony will not be
4 inserted into the record.

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DOCKET NO. 960576-WS

MAD HATTER UTILITY, INC.

APPLICATION FOR AMENDMENT OF

WATER AND WASTEWATER CERTIFICATE

NOS. 340-W AND 297-S IN PASCO COUNTY, FLORIDA

PRE-FILED DIRECT TESTIMONY OF JOHN GALLAGHER

Q. Please state your name and address.

A. My name is John Gallagher and my address is
7530 Little Road, New Port Richey, Florida 34654.

Q. What is your position?

A. I am the County Administrator for Pasco
County.

Q. Are you familiar with the County's agreement
with Mad Hatter Utility, Inc., dated February 11, 1992, to
provide wastewater treatment service?

A. Yes.

Q. Does that agreement contain any limits on the
amount of wastewater the County will accept?

A. Yes. Under the terms of the agreement, the
County only has to accept 350,000 gallons per day (GPD)
unless, in the County's discretion, we have available
capacity to treat additional sewage from Mad Hatter.

Q. Are there any limitations in the contract on
the area for which Mad Hatter may send sewage to the County

1 for treatment?

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2 A. Yes. There is a service area specifically
3 referred to in the agreement. A copy of the map for the
4 service area is attached as an exhibit to the contract.
5 Under the terms of the contract, the County need not provide
6 any wastewater treatment service to customers outside that
7 service area.

8 Q. Has Mad Hatter ever requested the County
9 increase the 350,000 GPD cap in the 1992 agreement?

10 A. No.

1 **MR. SAMARKOS:** Tender the witness for cross.

2 **COMMISSIONER DEASON:** Mr. Deterding.

3 **CROSS EXAMINATION**

4 **BY MR. DETERDING:**

5 **Q** Mr. Gallagher, you state at the bottom of
6 Page 1 on Line 20 in answer to the question "Does the
7 agreement contain any limits on the amount of
8 wastewater that the County will accept," in fact, it
9 doesn't contain any limitations on the amount of
10 wastewater that the County will accept, does it? It
11 contains limitations on the agreement -- on the amount
12 of capacity that the County must accept.

13 **COMMISSIONER KIESLING:** Which question in
14 all of those do you want him to answer?

15 **MR. DETERDING:** I apologize, Commissioner.

16 **Q** **(By Mr. Deterding)** The question which you
17 respond to says "Does the agreement contain any limits
18 on the amount of wastewater the County will accept,"
19 and there are no limits on the amount -- in the
20 agreement on the amount of capacity that the County
21 will accept, are there?

22 **A** My answer to the question you just addressed
23 is "Yes, there are limits."

24 **Q** So where in the agreement does it say that
25 there are limitations on the amount that the County

1 will accept?

2 A It's my understanding of the agreement that
3 if refers to the exhibit in the contract and those are
4 the exhibited areas or the areas in which we are going
5 to supply service.

6 Q And does that suggest that the County can
7 accept no more capacity than that?

8 A Than those areas that are identified? My
9 recollection of the agreement says we'll take 350,000
10 gallons a day from those areas that are identified in
11 the agreement.

12 Q And, again, I refer you to Page 5. Do you
13 have the exhibit in front of you?

14 A (Shaking head.) (Document tendered.)

15 Q Doesn't Paragraph D entitled "Excess
16 Capacity" permit the County to provide additional
17 capacity?

18 A The answer is, yes, it says "Excess
19 Capacity," but it leaves -- it says "The County agrees
20 to" -- excuse me -- "to treat wastewater in excess of
21 350,000 gallons per day pursuant to this agreement
22 provided sufficient unused and uncommitted capacity is
23 available to the County's wastewater treatment plant
24 facilities, as determined by the County," etcetera.

25 Q Okay. And are you aware of the fact that

1 the County is in -- according to Mr. Bramlett's
2 testimony, going to have excess capacity as soon as
3 they interconnect the new treatment plant with this
4 area?

5 A Yes, sir.

6 Q Didn't you state to your own county
7 commission that the 350,000 gallon limitation was only
8 a guesstimate of the capacity which would be provided
9 to Mad Hatter through bulk service?

10 A I don't have that document in front of me,
11 but I might have said that. If I could see the
12 minutes?

13 Q I don't have them. Did you listen to tapes
14 of those meetings in the federal court proceeding?

15 A Yes, I did.

16 Q And was not that the nature of your comments
17 as played on those tapes in the federal court
18 proceeding?

19 A I listened to about three hours of tapes, so
20 I'm not sure.

21 Q Hasn't Mad Hatter Utility informally
22 discussed the increase in the amount of capacity
23 provided to it with you?

24 A Describe "informally."

25 Q Well, haven't they discussed that with you

1 verbally, as opposed to in writing?

2 A Outside of litigation, no.

3 Q But you have discussed that in the context
4 of the litigation?

5 A In the context of litigation, I've been
6 advised that settlement discussions are not public, so
7 unless somebody tells me they are --

8 Q Okay. I won't get into it. Hasn't Mad
9 Hatter Utility sent customers that it intends to
10 provide service to, to the County for commitment for
11 wastewater service?

12 A I don't know that to be true.

13 Q If the County has excess capacity, why would
14 you not provide it to Mad Hatter Utility?

15 A The reason I would not provide excess
16 service to Mad Hatter Utility is I feel I've had a bad
17 experience with this Utility. Back in '91 I read in
18 the newspaper where they were having some
19 difficulties. Mr. Bramlett went and met with Mad
20 Hatter Utility, entered into an 18-month agreement in
21 order to provide some relief to this Utility.

22 Just about ever since we have done that and
23 entered into a long-term agreement with Mad Hatter
24 Utility, I've been in litigation. It's a bad
25 relationship, and I don't plan to recommend to my

1 board of county commissioners that we continue it over
2 the agreed upon amount in the contract. If they are a
3 private utility, be a private utility.

4 Q So it would be better that Mad Hatter
5 construct its own wastewater treatment facilities and,
6 you would have no objection to that?

7 A That's not for me to object to, that's
8 between them and the Department of Environmental
9 Protection.

10 Q So you would not get involved in that if the
11 Utility chose to find some other method for disposal
12 of sewage?

13 A I don't believe we would.

14 MR. DETERDING: That's all I have.

15 COMMISSIONER DEASON: Staff.

16 MR. CAPELESS: No questions.

17 COMMISSIONER DEASON: Redirect.

18 MR. SAMARKOS: Yes.

19 **REDIRECT EXAMINATION**

20 **BY MR. SAMARKOS:**

21 Q Mr. Gallagher, very briefly. Mr. Deterding
22 asked you if you would be willing to give capacity --
23 would Pasco County be willing to enter into any
24 agreement with Hillsborough County to allow Mad Hatter
25 to go to Hillsborough County for service?

1 MR. DETERDING: Objection. He is attempting
2 to get in through redirect what he could not get in on
3 direct prefiled testimony.

4 MR. SAMARKOS: May I respond?

5 COMMISSIONER DEASON: Yes.

6 MR. SAMARKOS: He's opened the door by
7 asking why they would not give capacity and why they
8 would not be willing to enter into certain
9 arrangements. And I think this is perfectly
10 permissible, for him to say they are not willing to do
11 anything to assist the Utility at this time.

12 COMMISSIONER DEASON: I do not recall the
13 question was in any way specified in relation to the
14 Hillsborough County situation, therefore, the
15 objection is sustained.

16 MR. SAMARKOS: The other, if I may bring up.
17 I have no further questions, but I've had a chance to
18 review the order that was entered on this prefiled
19 testimony issue. And the ruling says that the County
20 was given leave, if it so chooses, to prefile
21 testimony by May 9, 1997, on the limited issue of Mad
22 Hatter Utility's potential interconnection with
23 Hillsborough County.

24 I've also reviewed the transcript where
25 there were discussions regarding this, and there was

1 not a limitation on one witness in either the order
2 that was entered or in the transcript that I saw. And
3 I would once again request that we enter into the
4 record that additional prefiled testimony.

5 **COMMISSIONER DEASON:** The ruling has been
6 made and the ruling stands, your objection is denied.

7 Thank you, Mr. Gallagher.

8 (Witness Gallagher excused.)

9 - - - - -

10 **WITNESS GALLAGHER:** Thank you.

11 **COMMISSIONER DEASON:** We are going to recess
12 for lunch. We will reconvene at 1:30. And I think
13 that Mr. Hobby is the next scheduled witness.
14 Hopefully, we will have all the communications
15 arranged and set up by then.

16 (Thereupon, lunch recess was taken at
17 12:30.)

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19 (Transcript continues in sequence in Volume
20 4.)

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