

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL  
FILE COPY

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

DOCKET NO. 960576-WS

PASCO COUNTY'S POST-HEARING STATEMENT OF  
ISSUES AND POSITIONS

Pursuant to Rule 25-22.056, Florida Administrative  
Code, and Order No. PSC-97-0534-PHO-WS (Pre-hearing order),  
Pasco County, through its undersigned counsel, hereby  
submits the following statement of issues and positions.

ISSUE 1 Does MHU include in its amendment application all  
of the uncertificated territory in which it  
currently provides services required by order  
number PSC-96-0172-FOF-WS, issued February 7,  
1996, and docket no. 940761-WS, and what are those  
specific areas?

PASCO COUNTY'S POSITION

\*The County believes MHU has included in  
its amendment application all of the  
uncertificated territory to which it  
currently provides service which

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- LIN \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC \_\_\_\_\_
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE  
06524 JUN 30 5  
FPSC-RECORDS/REPORTING

includes parcels A-3, A-4, B-21, B-22, B-23, C-6, C-7 and a portion of C-8.\*

**ISSUE 2** Did MHU include in its amendment application territory in which it currently does not provide service, and what are those specific areas?

**PASCO COUNTY'S POSITION**

\*MHU includes in its amendment application territory in which it currently does not provide service. Those areas include B-1A (T&G Properties); B-20 (Willet); B-24 (Kniff Property); B-25 (Ash Property); B-26 (Meadowview); B-27 (Como Club/Mossview); C-6A (Twin Lakes Commercial Parcel); C-9 (Myrtle Lakes Baptist Church); C-10 (Ash Property -- Myrtle Lake). Mad Hatter does not provide service to the majority of parcel C-8.\*

**ISSUE 3** Pursuant to Section 367.045(2)(b), Florida Statutes, is there a need for service in the

territory which MHU seeks to add to its certificate of authorization?

PASCO COUNTY'S POSITION

\*Yes.\*

ISSUE 4 Does MHU have the technical ability and adequate capacity to serve the territory which it seeks to add to its certificates of authorization?

PASCO COUNTY'S POSITION

\*No. MHU does not have the capacity to provide service nor does it have the financial ability to obtain capacity. Furthermore, it does not have any DEP permit to provide wastewater treatment service.\*

ISSUE 5 Does MHU have the financial ability to serve the territory which it seeks to add to its certificates of authorization?

PASCO COUNTY'S POSITION

\*No. MHU lacks the financial ability to finance the construction of any new facility. Even if it could finance the construction, the impact would be devastating upon its capital structure.\*

ISSUE 6 Does MHU own the land upon which its treatment facilities that serve or will serve the proposed territory are located, or if not, is the utility entitled to continued use of that land?

PASCO COUNTY'S POSITION

\*No.\*

ISSUE 7 Does service exist from other sources within geographical proximity to the areas that MHU seeks to add to its certificates of authorization?

PASCO COUNTY'S POSITION

\*Yes. Pasco County has service and is completing the construction of additional lines.\*

ISSUE 8 Does the proposed amendment of MHU's territory result in the extension of the system which would be in competition with, or a duplication of, any other system or portion of a system?

PASCO COUNTY'S POSITION

\*Yes. The County is completing the infrastructure necessary to serve south central Pasco County including those areas for which MHU seeks a PSC certificate.\*

ISSUE 9 If the proposed amendment of MHU's territory would result in the extension of its system which would be in competition with, or a duplication of, any other system or portion of a system, is such other system or portion thereof inadequate to meet the reasonable needs of the public or are the persons operating it unable, refusing, or neglecting to provide reasonably adequate service?

PASCO COUNTY'S POSITION

\*No. The County's system is adequate to meet the reasonable needs of the public.

The County is not unable, refusing or neglecting to provide reasonably adequate service.\*

**ISSUE 12** What is the projected impact of the extension on the utility's monthly rates and service availability charges, if any?

**PASCO COUNTY'S POSITION**

\*MHU has provided no information regarding how it plans to serve the territory and thus the County cannot determine the impact on the utility's monthly rates and service availability charges, if any.\*

**ISSUE 13** Pursuant to Section 367.045(5)(a), Florida Statutes, is it in the public interest for the Commission to grant MHU's amendment application?

**PASCO COUNTY'S POSITION**

\*No. It is not in the public interest to have MHU serve the area.\*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy hereof has been served upon Roseanne Capeless, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399, and F. Marshall Deterding, Rose Sundstrum & Bentley, 2548 Blairstone Pines Drive, Tallahassee, Florida 32301, by regular U.S. mail this 26 day of June, 1997.

JOHNSON, BLAKE<sup>v</sup>, POPE,  
BOKOR, RUPPEL & BURNS, P.A.

By: 

MARION HALE  
FBN #441351  
CHARLES A. SAMARKOS  
FBN #0826146  
Post Office Box 1368  
Clearwater, FL 34617  
(813) 461-1818  
Fax #813-441-8617  
Attorneys for Pasco  
County

0131725.01