

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

54A

SEPTEMBER 9, 1997

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

Issue A: Should the Commission approve staff's specific recommendations on the County's proposed findings of fact and conclusions of law?
Recommendation: Yes. The Commission should approve staff's specific recommendations on the County's proposed findings of fact and conclusions of law.

APPROVED

Additionally, the Commissioners voted to deny the motion filed by the Utility on September 5, 1997.

COMMISSIONERS ASSIGNED: DS CL KS

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Susan Clark
J. Tom Dear
Jan [Signature]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

09127 SEP 10 6

FPSC-RECORDS/REPORTING

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Issue 1: Does MHU include in its amendment application all of the uncertificated territory in which it currently provides service as required by Order No. PSC-96-0172-FOF-WS, issued February 7, 1996, in Docket No. 940761-WS, and what are those specific areas?

Recommendation: Yes. MHU has included in its amendment application all of the uncertificated territory in which it currently provides service, in accordance with Order No. PSC-96-0172-FOF-WS. These areas are: A-3 (Woodruff Mobile Home Park); A-4 (Holy Trinity Church); B-21 (Robco); B-22 (Larreau); B-23 (Rusch Plaza); B-24 (Kniff Property); C-6 (Twin Lakes Subdivision); C-6A (Twin Lakes Commercial); C-7 (Woodridge); C-8 (Reiber Medical Plaza/Highland Oaks).

APPROVED

Issue 2: Does MHU include in its amendment application territory in which it currently does not provide service, and what are those specific areas?

Recommendation: Yes. MHU includes in its amendment application territories in which it currently does not provide service. Those areas are: B-1A (T & G Properties); B-20 (Willet-Liner); B-25 (Ash Property); B-26 (Meadowview); B-27 (Como Club/Mossvie); C-9 (Myrtle Lakes Baptist Church); C-10 (Ash Property-Myrtle Lake).

APPROVED

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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 certificates of authorization?

Recommendation: The parties agree MHU should provide service to where it is currently serving which includes parcels: A-3 (Woodruff MHP); A-4 (Holy Trinity Church); B-21 (Robco); B-22 (Larreau); B-23 (Rusch Plaza); C-6 (Twin Lakes Subdivision) and C-7 (Woodridge). A need for service also exists in those areas staff recommended are receiving service from MHU, including: B-24 (Kniff Property); C-6A (Twin Lakes Commercial) and C-8 (Reiber Medical Plaza/Highland Oaks). Further, a need for service exists in parcels: B-1A (T & G Properties); B-20 (Willet-Liner); B-27 (Como Club/Mossview) and C-10 (Ash Property-Myrtle Lakes). A need for service does not exist for parcels: B-25 (Ash Property); B-26 (Meadowview) and C-9 (Myrtle Lake Baptist Church).

APPROVED

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?

Recommendation: MHU has the technical ability to provide water and wastewater service to the requested territory. MHU has water capacity to serve its existing customers, some of the B Parcels served from the Foxwood/Cypress Cove system and all of the C Parcels served from the Turtle Lakes Water System. MHU has the capacity to provide wastewater service to its existing customers and to some combination of Parcels B-1A, B-20, B-25, B-26, B-27, C-9 and C-10 that totals under 40,000 gpd.

APPROVED

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

Recommendation: MHU appears to have the financial ability to provide service to those portions of the requested area which it is already providing service and to those portions of the requested area where it is not currently providing service which have a need for service, through the use of existing facilities and within the capacity constraints of the County contract.

APPROVED

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

Recommendation: Yes. With the exception of the Linda Lake Groves water treatment plant, MHU owns the land or has long term leases for the land upon which its water and wastewater facilities are located, to serve the staff recommended territory. With respect to the Linda Lake Groves water treatment plant, the utility should be required to file, consistent with Rule 25-30.036(3)(d), Florida Administrative Code, a warranty deed, a copy of an agreement, such as a 99-year lease which provides for the continued use of the land, a written easement, or another cost-effective alternative, within 60 days of the Commission vote. If the utility does not comply within the 60 day timeframe, staff recommends that the utility be required to show cause, in writing, as to why the areas served from the Linda Lake Groves water treatment plant should not be deleted from its service area.

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

Recommendation: For areas where there is no dispute, no other source was evaluated or there is no evidence to show that service exists from other sources. These areas are A-3, A-4, B-1A, B-21, B-22, B-23, C-6 and C-7. No service exists from other sources for parcels B-20, B-24, B-26, C-6A and C-8. For the remaining areas, staff recommends that water service exists from another source for B-25, C-9 and C-10. Wastewater service exists from another source for B-25, B-27, C-9 and C-10.

APPROVED

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

Recommendation: MHU's proposed amendment would result in an extension of water service to Parcels C-9 and C-10 that would be in competition with or duplicate another system. MHU's proposed amendment would not result in an extension of wastewater service to Parcels B-25, B-27, C-9 and C-10 that would be in competition with or duplicate another system.

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Issue 9: If the proposed amendment of MHU's territory would result in the extension of a 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?

Recommendation: MHU's proposed amendment would duplicate the existing County water lines to parcels C-9 (Myrtle Lakes Baptist Church) and C-10 (Ash Property-Myrtle Lakes). Pasco County is not unable, refusing or neglecting to provide reasonably adequate service to parcels C-9 and C-10.

APPROVED

Issue 10: Stricken.

Issue 11: Withdrawn.

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

Recommendation: There is no impact on the utility's monthly rates and service availability charges from staff's recommended extension of territory. The utility should continue to apply its existing rates and charges to the territory extension until authorized to change by this Commission in a subsequent proceeding.

APPROVED

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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?

Recommendation: MHU's application to provide water and wastewater service to parcels A-3, A-4, B-1A, B-20, B-21, B-22, B-23, B-24, C-6, C-6A, C-7 and C-8 should be granted. MHU's application to provide water and wastewater service to parcels B-25, B-26, B-27, C-9 and C-10 should be denied. The territory descriptions for the approved parcels should be approved as reflected in Attachment C of staff's August 28, 1997 memorandum.

APPROVED

Issue 14: Should the docket be closed?

Recommendation: Yes. Upon expiration of the time for filing an appeal, and upon the timely receipt of proof of ownership of the land upon which the Linda Lake Groves water treatment plant is located, no further action will be necessary and this docket should be closed. If a party files a notice of appeal, this docket should be closed upon resolution thereof by the appellate court.

APPROVED