

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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 MOTION FOR RECONSIDERATION

Pasco County, through its undersigned counsel, hereby requests, pursuant to Rule 25-22.061, Florida Administrative Code, that the Commission reconsider its Order No. PSC-97-1173-FOF-WS issued October 1, 1997, in this matter for the following reasons:

1. The Commission granted in part the application of Mad Hatter Utility, Inc. (Mad Hatter) to extend its territory (the extended territory) to provide water and wastewater service. The Commission's decision was based on the erroneous assumption that Mad Hatter has an additional 40,000 gallons per day (GPD) of treatment capacity pursuant to the parties' 1992 bulk wastewater treatment agreement. (Order at p. 20-21, 49).

2. The agreement between Mad Hatter and Pasco County requires the County to treat up to 350,000 GPD. (R. 331,

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19-24). Mad Hatter is currently sending approximately 340,000 GPD to the County for treatment. (R. 332, l. 23-25 and R, 333 l. 1). Furthermore, the County has committed to treat an additional 30,000 GPD of wastewater to be delivered by Mad Hatter when the customers to whom Mad Hatter has agreed to provide service are connected. (R. 333, l. 4-7). Accordingly, Mad Hatter's committed capacity with Pasco County currently exceeds the 350,000 GPD limit in the 1992 agreement. (R. 333, l. 8-11). The only way Mad Hatter could obtain additional capacity is if the County agrees to accept additional wastewater. The County will not accept any additional wastewater from Mad Hatter. (R. 449, l. 8-25, R. 450, l. 1-3).

3. In its final order, the Commission has counted the additional 40,000 gallons twice. There is no support in the record for the Commission to conclude Mad Hatter has an additional 40,000 gallons of capacity. The committed unused capacity which the County has provided to Mad Hatter is for customers in Mad Hatter's existing PSC certificated territory. The parties' agreement does not require the County to provide any service outside of Mad Hatter's existing certificated territory. (R. 331, l. 21-25, R. 332,

1. 1-7). Thus, Mad Hatter has already reserved the additional 30,000 gallons of capacity for future customers in its existing PSC certificated territory. The Commission cannot use that unused, committed capacity to justify extension of Mad Hatter's territory.

WHEREFORE, Pasco County prays that the Commission will reconsider its order by deleting the provisions in the order which concluded that Mad Hatter is able to provide an additional 40,000 GPD of wastewater service to future customers in the extended territory and thus deny Mad Hatter's application to serve B-1A, B-20, B-24, B-25, B-26, B-27, C-9 and C-10.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy hereof has been served upon Blanca S. Bayo, Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399; Roseanne Gervasi, 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 10th
day of October, 1997.

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

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