

State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: March 3, 2000
TO: Division of Records and Reporting
FROM: Stephanie Clapp, Division of Water and Wastewater @ BSM
RE: Docket No. 980988-WS, Investigation into the retention of the certificated area of Mad Hatter Utility, Inc. located on Lake Thomas and School Road in Pasco County.

Please add the following to the docket file:

1. Copy of letter dated January 6, 2000 to Mr. Carl Anderson, agent for Paul Pritchard, Trustee of Hallmark Land Trust, from Marshall Deterding, Esquire, on behalf of Mad Hatter Utility, Inc.
2. Copy of letter dated February 14, 2000, to Mr. Carl Anderson, agent for Paul Pritchard, Trustee of Hallmark Land Trust, from Marshall Deterding, Esquire, on behalf of Mad Hatter Utility, Inc.

Please note that two copies are provided.

Thank you.

Attachments

cc: Division of Water and Wastewater (Messer, Redemann)
Division of Legal Services (VanLeuven)

AFA _____
 APP _____
 CAF _____
 CMU _____
 CTR _____
 EAG _____
 LEG _____
 MAS _____
 OPC _____
 RRR _____
 SEC _____
 WAW _____

cc: Copy Memo

DOCUMENT NUMBER-DATE

03018 MAR-78

FPSC-RECORDS/REPORTING

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January 6, 2000

VIA FACSIMILE & CERTIFIED MAILROBERT M. G. ROSE
OF COUNSELMr. Carl Anderson
Agent for Paul Prichard, Trustee
Hallmark Land Trust
19235 U.S Highway 41 North
Lutz, Florida 33549Re: Mad Hatter Utility, Inc.
Application for Service to Property Located on School Road, Land O' Lakes, Florida
Our File No. 28023.01

Dear Mr. Anderson:

Mr. Larry DeLucenay of Mad Hatter Utility, Inc. forwarded on your December 22, 1999 letter to me for response. First of all, I would like to note that we do not agree with the conclusion reached in your letter that we have an obligation to respond to any letter "announcing an intent" to request service, and in fact with the information you have provided us thus far, any detailed response would be impossible. We have attempted to elicit additional information in my letter dated October 22, 1999 in order to properly and fully respond to your "announced intent." However, your reply provides absolutely none of the additional information requested, and in fact further confuses the issues. Just as an example, you note that there is no room for water or wastewater treatment facilities on the property site and at the same time the only development plan which you have provided us (last revised in August of 1986) specifically designates such locations.

We do not wish to get into an argument with you over these issues, rather we wish to elicit information necessary in order to fully investigate and respond to your inquiry. Please provide the information contained in our October 22, 1999 letter, so that we can move forward with that detailed response. We appreciate your prompt attention to this matter and thereafter we will likewise move quickly to provide a detailed response that will enable us both to move forward with a service agreement and service to this area. However, until we receive the information requested in our October 22, 1999 letter, we cannot do so. We look forward to hearing from you.

Sincerely,

ROSE, SUNDBSTROM & BENTLEY, LLP


F. Marshall Deterding
For The Firm

FMD/tmg

cc: Mr. Larry DeLucenay, President
mad3anderson.ltr

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ROBERT M. C. ROSE
OF COUNSEL

February 14, 2000

VIA CERTIFIED MAIL

Mr. Carl Anderson
Agent for Paul Prichard, Trustee
Hallmark Land Trust
19235 U.S Highway 41 North
Lutz, Florida 33549

Re: Mad Hatter Utility, Inc.
Application for Service to Property Located on School Road, Land O' Lakes, Florida
Our File No. 28023.01

Dear Mr. Anderson:

Your January 17, 2000 letter has been forwarded to me by Larry DeLucenay, President of Mad Hatter Utility, Inc., for reply. In the future, I would suggest that you direct your correspondence on this issue to me, since I am the person responsible for responding to each of your three previous letters, to avoid delay in responding.

I will attempt to address the points raised in your most recent letter briefly below:

1. Method of Providing Service - It is not the responsibility or right of a customer to dictate the method by which the Utility will provide service to anyone within its service territory. We have requested information from you (in our October 22, 1999 letter) in order to fully analyze your request for service, and make inquiries of the County concerning bulk service, if in fact that is the method that the Utility deems most appropriate for the provision of such service. Until you provide us the information requested in our October 22, 1999 letter (attached for your ready reference), we cannot do so.
2. Requirements of the Utility's Tariff and Rules - We are well aware of the requirements to both our Tariffs and the Florida Public Service Commission Rules

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Florida Public Service Commission
Division of Water and Wastewater

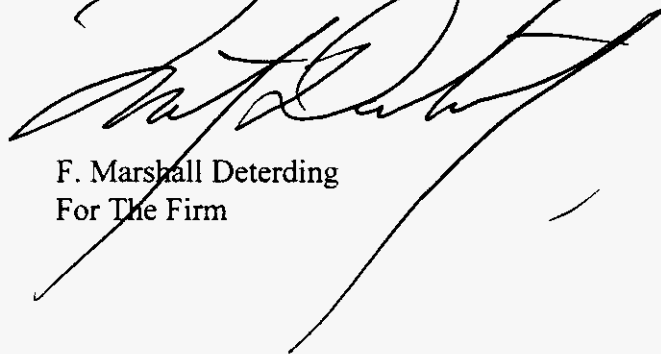
Mr. Carl Anderson
February 14, 2000
Page 2

concerning responses to requests for service, and we continue to believe that until and unless you provide us with information necessary to analyze the need for service and the quantity of service capacity necessary in order to provide that service, we cannot provide a detailed response. We have already indicated to you our willingness and ability to provide service within a reasonable time and at a reasonable cost. However, until we receive the information requested in our October 22, 1999 letter, we cannot provide the details concerning that service, much less from what source treatment will occur.

We look forward to receiving the information requested within our October 22, 1999 letter, if you in fact are serious about the need for service to this property. Until we receive that information, we cannot reasonably be expected to do so.

Sincerely,

ROSE, SUNDBSTROM & BENTLEY, LLP



F. Marshall Deterding
For The Firm

FMD/tmg

Enclosure

cc: Mr. Larry DeLucenay, President
Mrs. Billie Messer

mad\4anderson.ltr

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ROBERT M. C. ROSE
OF COUNSEL

October 22, 1999

VIA U.S. MAIL

Mr. Carl Anderson
Agent for Paul Prichard, Trustee
Hallmark Land Trust
19235 U.S Highway 41 North
Lutz, Florida 33549

Re: Mad Hatter Utility, Inc.
Application for Service to Property Located on School Road, Land O' Lakes, Florida
Our File No. 28023.01

Dear Mr. Anderson:

I am an attorney representing Mad Hatter Utility, Inc. and I have been asked by its President, Larry DeLucenay, to respond to your letter of September 28, 1999 which Mr. DeLucenay received on October 4, 1999. Based upon the Florida Public Service Commission Rule applicable to applications for service and the Utility's tariff requirements, we must ask for additional clarification of some of the information provided in your letter in order to properly respond. I have outlined below the additional information we will need in order to respond to your initial application for service:

1. The "development plan" that you have supplied is a drawing of a proposed subdivision which is dated 1986. There is no discussion about the size of the homes involved, the location of water, wastewater and reclaimed water facilities, the number (if any) of commercial facilities, or whether this is the only plan for development which you have. Was this "development plan" prepared by you or your client or the current landowner? Have any of the proposals for development changed, including location of streets? If not, please give us further information concerning the sizing of not only the lots and homes, but of the proposed water, wastewater facilities and reclaimed water to be constructed and donated in accordance with the Utility's

standard policy. Drawings of these facilities showing sizing and location will be necessary at some point in time, and if not, in order for the Utility to conduct initial review. Where may we obtain this design information?

2. Please provide us with copies of all the agency information or applications submitted in order to obtain development approval from the local and state building and development authorities. Also, provide copies of current approvals and permits for this development plan.
3. Please give us the name of the project engineer responsible for designing the development and the water and wastewater facilities, so that we may contact him or her and discuss in more detail the specifics related to construction of those facilities.
4. Though it is not our responsibility under our Service Availability Policy, we have prepared an inquiry of the County concerning the availability of additional wastewater capacity to serve this area in accordance with our agreement for bulk wastewater service from Pasco County Utilities. We have attempted to estimate the flows of wastewater treatment that will be necessary in order to serve this area in our inquiries of the County. To the extent the County is unable or unwilling to provide that bulk service, we will work out with you a suitable location for water wells and treatment facilities internal to the development. Your 1986 "preliminary plat" appears to recognize a need for such land and the apparent location of such water facilities is referenced on the "preliminary plat" at the northeast corner of the property.
5. We will also need to discuss with you the possibility of providing on-site sewage treatment and disposal service and an appropriate location for construction of those facilities as well. This is an alternative we may need to pursue in order to provide you service in the most efficient manner possible, if in fact the availability of County bulk services is too difficult, inefficient, or substantially more time consuming than construction of onsite facilities. Your "preliminary plat" as submitted, appears to envision the location of these wastewater facilities on the northwest corner of the property. Please provide more details as to the size and location (legal description) of the area envisioned for this purpose, including all engineering, soil studies, or plans.

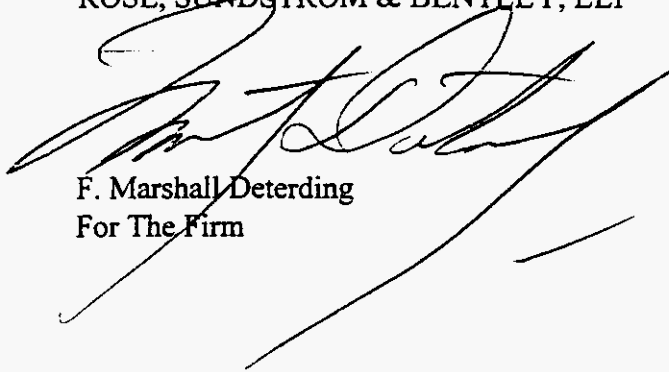
As soon as you provide us with the above information, we can move forward with providing you the required response to your Application for Service. However, it should be noted that we can in fact provide service within a reasonable time to the property as requested. However, we will need assurances that you do intend to move forward with development immediately after we invest time,

Mr. Carl Anderson
October 22, 1999
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effort and monies in the construction of necessary facilities to serve that property. Should you have any questions with regard to the additional information needed, please let me know. We look forward to receiving this additional information as soon as possible so that we can provide you with a detailed response to your request and move forward quickly to ensure the availability of service in a timely manner.

Sincerely,

ROSE, SUNDBSTROM & BENTLEY, LLP

A large, stylized handwritten signature in black ink, appearing to read 'F. Marshall Deterding', is written over the typed name and extends downwards and to the right.

F. Marshall Deterding
For The Firm

FMD/tmg
cc: Mr. Larry DeLucenay

mad\anderson.ltr