



Public Service Commission

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

DATE: December 19, 2000
TO: Division of Records and Reporting
FROM: Division of Legal Services (Van Leuven) *DTV*
RE: Docket No. 990988-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 file the attached letter dated December 12, 2000, in the docket file for the above-referenced docket.

DTV/dm

cc: Division of Regulatory Oversight (Clapp, Redemann)

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DOCUMENT NUMBER-DATE

16159 DEC 19 8

FPSC-RECORDS/REPORTING

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December 12, 2000

Tyler Van Leuven, Esq.
2540 Shumard Oak Blvd
Tallahassee, Florida 32399-7019

DEC 14 2000

re: Mad Hatter Utility
Lake Talia Estates

**Via Facsimile (850-413-6186) &
Regular Mail**

Dear Mr. Van Leuven:

Yesterday I spoke with Mr. Douglas S. Bramlett (727-847-2411) of Pasco County Utilities. He advised the litigation over the amount of attorney fees owed Mad Hatter Utility has concluded.

He also informed me that Pasco County and Mad Hatter Utility are not engaged in any discussions to extend additional sewer capacity to Mad Hatter Utility. Moreover, there have been no such discussions of recent months.

With respect to the possibility of extending to Mad Hatter additional sewer capacity, Mr. Bramlett advised this was a matter of discretion on the part of Pasco County and he believed the County was not inclined to exercise that discretion in favor of additional capacity.

Finally, Mr. Bramlett observed that Mad Hatter does not have any water service contracts with Pasco County.

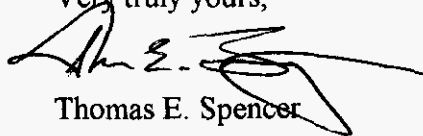
In sum, I believe staff of the PSC was led to believe Mad Hatter was actively engaged in a process whereby additional sewer capacity was on the negotiation table and that we would be timely informed of the status of this process, including its finality, by mid-November. Of course, *that date has come and gone and the representations of Mad Hatter remain unfulfilled.* It simply appears Mad Hatter has not, and will not, be able to provide the services required under its franchise in any reasonably foreseeable future. Certainly, this is a problem for Mad Hatter. However, Mad Hatter's problem should not be my client's problem as well, nor the public's.

I believe it is time to deal with Mad Hatter in a business-like manner. It must be called upon to fish or cut bait, but do something. I understand your phone calls to counsel for Mad Hatter have yet to be returned. Given the circumstances, I do consider that fact ominous.

Tyler Van Leuven, Esq.
December 12, 2000
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We are well-aware Pasco County stands ready, willing and able to provide water and sewer services upon demand should Mad Hatter's franchise be removed as an impediment. We request the PSC promptly initiate action to remove my client's property from the franchise of Mad Hatter. At this time this is the only fair and equitable action to address the problems that are not of our own making.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Thomas E. Spencer', with a large, sweeping flourish extending to the right.

Thomas E. Spencer

cc: F. Marshall Deterding, Esq.