

M E M O R A N D U M

December 28, 2000

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RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF LEGAL SERVICES (VAN LEUVEN) *DLV*

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.

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Please place the attached letter dated December 22, 2000, from Thomas E. Spencer in the above-referenced docket file.

Thank you.

DTV/lw

cc: Division of Regulatory Oversight (Clapp, Redemann)

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December 22, 2000

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



re: Mad Hatter Utility  
Lake Talia Estates

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

Dear Mr. Van Leuven:

Today I spoke with Mr. Thomas Gucciardo (813-744-6100) of the State Department of Environmental Protection. Based upon that conversation, it appears Mad Hatter Utility probably does not have a permit to expand or operate the wastewater facilities it has represented to the PSC as having recently acquired to "service" my client's property.

At this time, I believe it is reasonable to require Mr. DeLucenay to produce his permits to operate such a plant, or the full application therefore.

I understand from DEP that it has a propensity, if not a policy, of avoiding the issuance of DEP permits to new package plants where sewage facilities already exist. Thus, it is questionable whether Mr. DeLucenay can even obtain a permit were he to apply. That application process takes a minimum of 6 months and construction would take yet another. Therefore, assuming Mr. DeLucenay is acting in good faith, he should be able to produce one of the following to the PSC:

- a. A bulk treatment agreement with Pasco County for treating my client's sewage and for provision of water, or
- b. Permits, or applications for permits, to establish the package plant expansion/operation he now claims he has purchased to service my client's property, including evidence of the ability to provide water.

To be very clear, my client will not provide any real estate to Mad Hatter for its operations. Waste treatment facility operation is inconsistent with developing land for a single family community.

Again, 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

Tyler Van Leuven, Esq.  
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Mad Hatter. At this time this is the only fair and equitable action to address the problems that are not of our own making.

Please make my letter of December 12, 2000 and this letter part of the record before the Commission and advise me when we can expect to have this matter heard by the Commission.

Very truly yours,

A handwritten signature in black ink, appearing to read "T.E. Spencer", with a long horizontal flourish extending to the right.

Thomas E. Spencer

cc: F. Marshall Deterding, Esq.