

LAW OFFICES
ROSE, SUNDSTROM & BENTLEY, LLP
2548 BLAIRSTONE PINES DRIVE
TALLAHASSEE, FLORIDA 32301

ORIGINAL

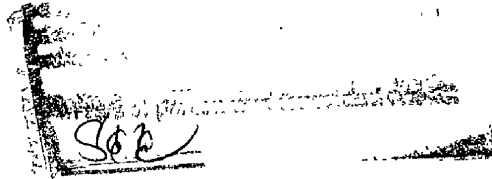
(850) 877-6555
Fax (850) 656-4029
www.rsbatorneys.com

CHRIS H. BENTLEY, P.A.
ROBERT C. BRANNAN
F. MARSHALL DETERDING
MARTIN S. FRIEDMAN, P.A.
JOHN R. JENKINS, P.A.
STEVEN T. MINDLIN, P.A.
DAREN L. SHIPPY
WILLIAM E. SUNDSTROM, P.A.
DIANE D. TREMOR, P.A.
JOHN L. WHARTON

ROBERT M. C. ROSE, OF COUNSEL
WAYNE L. SCHIEFELBEIN, OF COUNSEL

CENTRAL FLORIDA OFFICE
650 S. NORTH LAKE BLVD., SUITE 420
ALTAMONTE SPRINGS, FLORIDA 32701
(407) 830-6331
FAX (407) 830-8522

November 5, 2002
VIA HAND DELIVERY



Patti Daniel, Supervisor
Division of Economic Regulation
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Mad Hatter Utility, Inc.; PSC Docket No. 020982-WS
Application for Amendment of Water and Wastewater Certificates
Our File No. 28023.01

Dear Patti:

I have outlined below the answers to each of the questions from your October 14, 2002 letter. These follow the format of the questions raised.

Deficiencies

1. **Exhibit F, the Affidavit of Noticing the customers and property owners, is not dated, either by the affiant or the notary.**

Response - Attached hereto is a copy of a revised notice with the appropriate dating contained therein.

2. **Exhibit G, the Notice of Application published in the newspaper, has not been received.**

Response - The Notice of Publication was sent to the Commission Clerk on September 27, 2002. I am attaching a copy for your ready reference.

3. **Numbers and dates of permits from the DEP for the system(s) proposed to be constructed (see Rule 25-30.036(3)(k), Florida Administrative Code).**

Response - No DEP permits have yet been applied for, much less proposed for construction at this time. It is unclear at this time the exact configuration of the properties exchanged between the two entities and as such, no plans for location of facilities have been made. However, attached hereto is a copy of a map showing the location of the "Apex" property which is proposed to be included within Mad Hatter's territory. It also shows the location of the water and wastewater lines, color coded for your ready reference. As you can see, there are facilities immediately adjacent to this territory to allow easy access and availability of service once the property is developed.

AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC _____
OTH _____

12179 NOV-6 2002
FPSC-COMMISSION CLERK

Additional Information

1. **The filing fee is insufficient. Rule 25-30.020(2)(b)(2), F.A.C., addresses the filing fee requirements for areas with the capacity to serve from 101 to 200 ERCs. This rule requires a \$200 filing fee for each water and each wastewater application for extension, and a \$200 filing fee for each water and each wastewater application for deletion. The utility's application on Page 4 states that the area to be deleted involves 187 lots, and the number of lots to be added is 174. We would equate one lot to one ERC for filing fee purposes, which means the filing fee should be \$800.**

Response - Attached to the Clerk's copy of this letter is an additional check in the amount of \$600 for additional filing fees. While we do not agree with your logic and interpretation of the statute and rule, rather than debate the issue, we are attaching the additional fee.

2. **Exhibit B, which is part of the Territorial Transfer Agreement between Mad Hatter Utility, Inc. and Pasco County, has a map included, which apparently is the apex property. The map is essentially not readable. If there is a better copy, please provide one.**

Response - Please see the attached map referenced in Issue No. 3 above and a separate small map showing that area with Township, Range and Section references. I believe this provides you with the additional information you are seeking. If necessary, this can be substituted as Exhibit B for that originally filed.

If you have any further questions in this regard or need any further information, please let me know.

Until such time as we receive approval for this territorial exchange, the developments within the areas which are proposed will be held up. As such, we request that you and members of your staff work as quickly as possible to approve this extension application. As you can see from the attached notice, the protest period has expired and no protests have been received. As such, this is an uncontested application and one that is supported by the utility entities within the area.

Sincerely,

ROSE, SUNDSTROM & BENTLEY, LLP

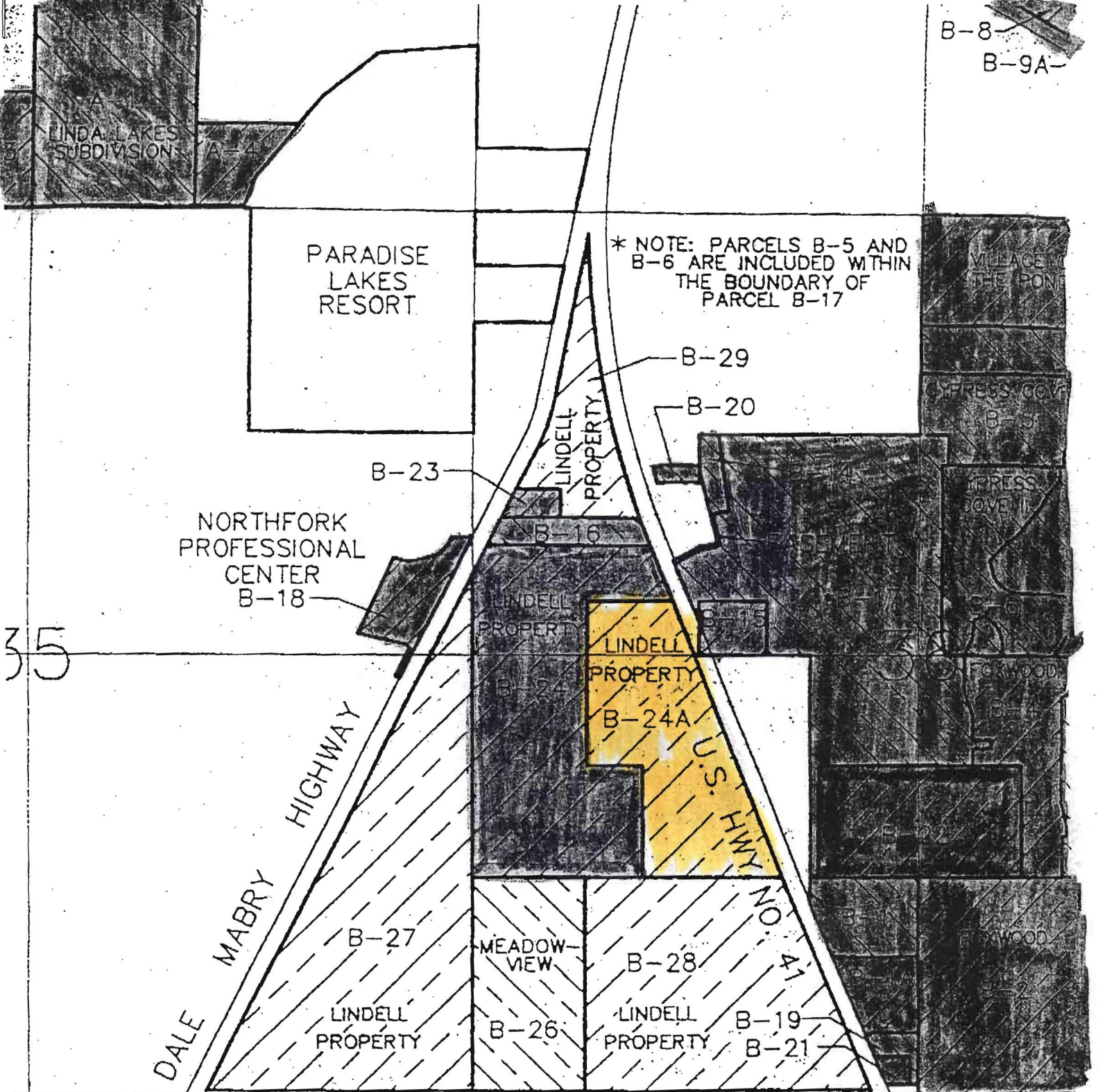


F. Marshall Deterding
For The Firm

FMD\tms
cc. Blanca S. Bayo, Director
Mr. Tom Walden
Ms. Alice Crosby
Mr. Larry DeLucenay

mad\daniel.ltr

B-8
B-9A



Existing Territory — Proposed

INSHIP 26 SOUTH — RANGE 18 EAST

	PARTY CHIEF	PREPARED FOR
	DRAWN BY ROW	MAD
	CHECKED BY	19
		(813) 949-2167

LAW OFFICES
ROSE, SUNDSTROM & BENTLEY, LLP

2548 BLAIRSTONE PINES DRIVE
TALLAHASSEE, FLORIDA 32301

(850) 877-6555
Fax (850) 656-4029
www.rsbatorneys.com

CHRIS H. BENTLEY, P.A.
ROBERT C. BRANNAN
F. MARSHALL DETERDING
MARTIN S. FRIEDMAN, P.A.
JOHN R. JENKINS, P.A.
STEVEN T. MINDLIN, P.A.
DAREN L. SHIPPY
WILLIAM E. SUNDSTROM, P.A.
DIANE D. TREMOR, P.A.
JOHN L. WHARTON

ROBERT M. C. ROSE, OF COUNSEL
WAYNE L. SCHIEFELBEIN, OF COUNSEL

CENTRAL FLORIDA OFFICE
650 S. NORTH LAKE BLVD., SUITE 420
ALTAMONTE SPRINGS, FLORIDA 32701
(407) 830-6331
FAX (407) 830-8522

September 27, 2002
VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Mad Hatter Utility, Inc.
Application for Extension and Deletion of Territory
Our File No. 28023.01

Dear Ms. Bayo:

Enclosed please find the original and fifteen (15) copies of the Affidavit of newspaper publication, which is Late-Filed Exhibit G to the above-referenced Application.

Should you have any questions or comments regarding this matter, please do not hesitate to contact me.

Sincerely,

ROSE, SUNDSTROM & BENTLEY, LLP



F. Marshall Deterding
For The Firm

FMD\tms
cc. Larry DeLucenay

mad4bayo.ltr

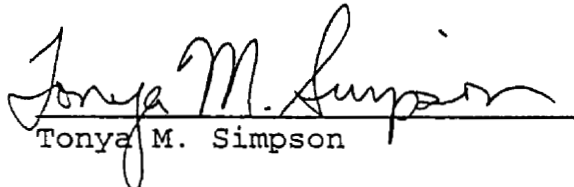
AFFIDAVIT OF MAILING

STATE OF FLORIDA

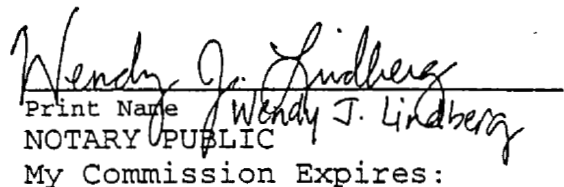
COUNTY OF LEON

Before me, the undersigned authority, authorized to administer oaths and take acknowledgments, personally appeared TONYA M. SIMPSON who, after being duly sworn on oath, did depose on oath and say that she is the secretary of F. Marshall Deterding, attorney for Buttonwood Bay Utilities and that on August 15, 2002 she did send by regular mail, a copy of the notice attached hereto to each of the utilities, governmental bodies, agencies, or municipalities, in accordance with the list provided by the Florida Public Service Commission, which is also attached hereto.

FURTHER AFFIANT SAYETH NAUGHT.


Tonya M. Simpson

Sworn to and subscribed before me this 15th day of August, 2002, by Tonya M. Simpson who is personally known to me.


Print Name Wendy J. Lindberg
NOTARY PUBLIC
My Commission Expires:

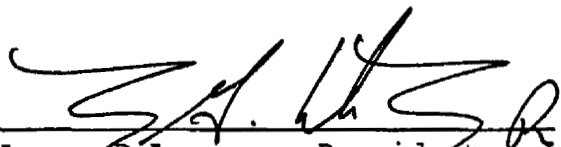


Wendy J. Lindberg
MY COMMISSION # DD053945 EXPIRES
August 30, 2005
BONDED THRU TROY FAIN INSURANCE, INC.

Territory Extension and Deletion Notice

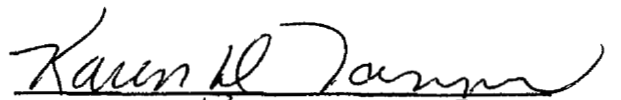
AFFIDAVIT

I, Larry DeLucenay, President of Mad Hatter Utility, Inc., do hereby certify and swear that I have mailed the Notice to all the customers of the Utility and property owners within the territory affected by the proposed extension and deletion on this 4 day of October, 2002, in accordance with the requirements of PSC Rule 25-30.030, Florida Administrative Code


Larry DeLucenay, President

STATE OF FLORIDA)
COUNTY OF pasco)

The foregoing instrument was acknowledged before me this 4th day of October, 2002 by Larry DeLucenay, who is personally known to me.


Print Name Karen D Tanner
Notary Public
State of Florida at-Large
My Commission Expires:

