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ORIGINAL

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in file and and the

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

CHRIS H. BENTLEY, P.A.

November 5, 2002

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 <u>Our File No. 28023.01</u>

Dear Patti:

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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.

<u>Response</u> - 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.

<u>Response</u> - 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).

<u>Response</u> - 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.

I 2 I 7 9 NOV -6 ≧ FPSC-COMMISSION CLERK Ms. Patti Daniel November 5, 2002 Page 2

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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.

<u>Response</u> - 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.

<u>Response</u> - 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.

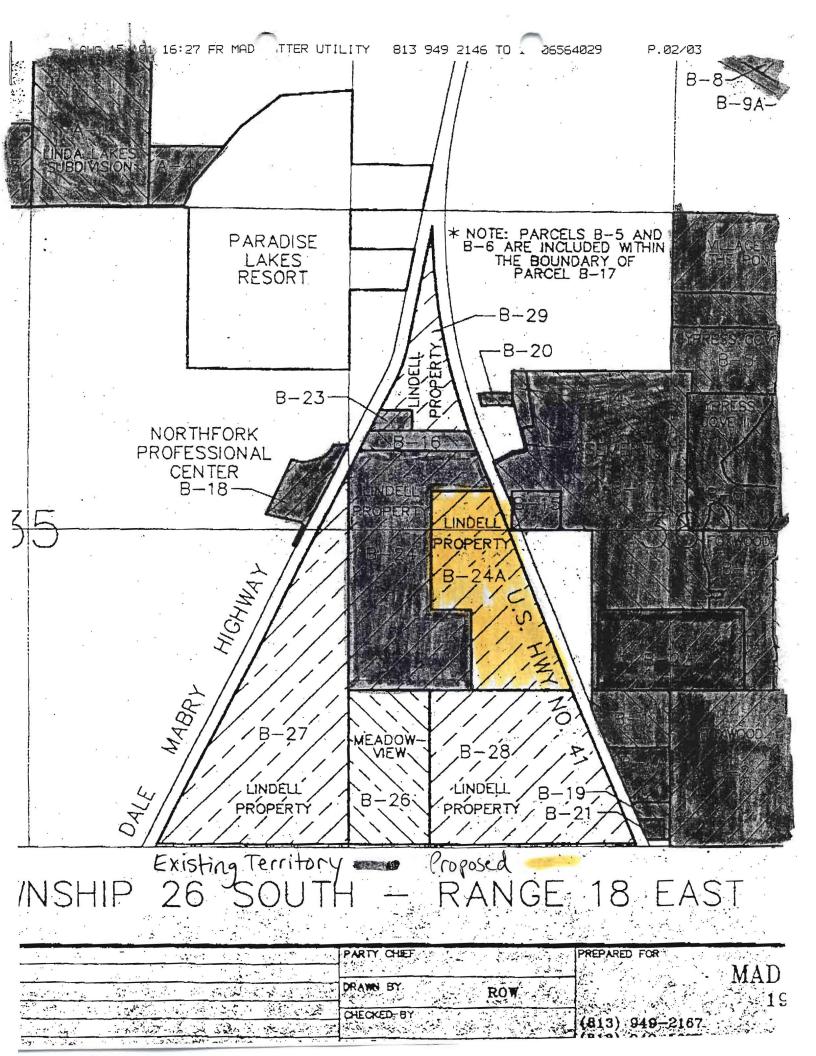
Sincerely,

ROSE_SUNDSTROM& BENTLEY, LLP m F. Marshall Deterdip For/The Firm

FMD\tms

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

mad\daniel.ltr



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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-800NDSTROM& BENTLEX. LLP F. Marshall Deterding For The/Firm

FMD\tms cc. Larry DeLucenay



An Edition of the St. Petersburg Times

Published Daily Port Richey, Pasco County, Florida

STATE OF FLORIDA COUNTY OF PASCO:

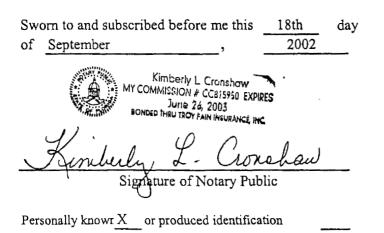
Before	the un	ndersigne	ed a	uthority	person	ally			
appeared	Ter	esa Parke	er			who			
on oath says that she is Legal Clerk of the Pasco Times									
a daily newspaper published at Port Richey, in Pasco									
County, F	lorida:	that	the	attached	i copy	of			
advertisement, being a Legal Notice in the matter of									
RE: Application for Amendments for Certificate									
for an Extionsion and Deletion of Territory									

in the						Court		
was publishe	d in	said	newspaper	in	the	issues	of	
September 18, 2002								

Affiant further says the said <u>Pasco Times</u> is a newspaper published at Port Richey, in said Pasco County, Florida, and that the said newspaper has heretofore been continuously published County, Florida, each day and has been entered as second class mail matter at the post office in Port

Richey in said Pasco County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

nx Vo



APPLICATION FOR AMENDMENT OF CERTIFICATE FOR AN EXTENSION AND DELETION OF TERRITORY Pursuant to Section 347 045. Florido Statues, and Section 25 Pursuant to Section 347 045. Florido Statues, and Section 25 0.030, Florido Administrative Code, notice is hereby given his dov of September, 2002, by Mad Hatter Utility, inc., 1900 Land Lakes Bivd., Suite 107, LUXT, FL 21349 of their applications of sep-tension of service and deletion of territory for the following des-bed territory in Posco County, Florida, 1 - Mad der Vice 44 The Territory proposed to be added is described as following the service and addition of the service addi East Value 34.1 Steel diagonalized and the Work of the NW 13460 Westerty backdary of the Seaboard Coastline Relif Tamaa Northern Ren's which point is 50,076e-thorn of the track of sold Seaboard Coastline R.R. - thene Work of the Seaboard Coastline R.R. - thene the track of sold Seaboard Coastline R.R. - thene Sold backdary of the Net Work of the SW 47 and the Sold backdary of the Net Work of the SW 47 and the Sold backdary of the Net Work of the SW 47 and the Sold backdary of the Net Work of the SW 47 and the Sold the SW 47 and the SW 47 and the Sold backdary of the Net Work of the SW 47 and the Sold backdary of the Ren Work of the SW 47 and the Sold backdary of the Ren Work of the SW 47 and the Sold backdary of the SW 47 and the Sold backdary of the SW 47 and the SW 47 an N 89-39 MHE, 500,888 feet, thence N.00-20 cers:89,3944E, 200,888 feet, thence N.00-20 oint of Beelinning The States of the State the Polint Of Bestinning? The Northwest on advantage of the Northwest on a dvantage of the Northwest on a dvantage of the Northwest on a dvantage of the Northwest on advantage of the Northwest on a dvantage of the Northwest on a dvantag one-quarter of the Southwest one of the Southwest one-quarter of t e-quarter of the Southw arter) less the North 210 one-adapter? less the North 270 fe and the South 210 feet of the North audrier for the Southers of the North Range 18 Cost Resca (South 2) AND The East three southers of South AND The East three southers of the Nor ast and other for the North AND Souther of the North id in se nty Florida set ariu nobiese Matheastanesuar watheastanesuar Mino Jestime Jackter of the Northeast ane-quarter of ohe-quarter of Section M. Township 26 South AR Is the South AI of ref thereof, allowing to Resco. Cl Essemblished Al of the thereof, allowing to Rescale Road her the Section of Section 2010 and the Section Section 2010 and the Se That patt of the South 237 reet of the Southwest one Southeast one-quarter of the Southwest ane-Township 22:South, Range 18 East, lying Me: Road:#5 in Pasco County, Blorida Bove describes proper treatment of the solution of the solutio

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AFFIDAVIT OF MAILING

STATE OF FLORIDA

COUNTY OF LEON

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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.

Μ.

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

NOTARY UPUBLIC

My Commission Expires:

Wendy J. Lindberg MY COMMISSION # DD053945 EX299. August 30, 2005 BONDED THRU TROY FAIN INSURANCE, IN-

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 $\frac{4}{2}$ day of <u>Detoben</u>, 2002, in accordance with the requirements of PSC Rule 25-30.030, Florida Administrative Code

Larry DeLucenay, Presid

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STATE OF FLORIDA) COUNTY OF <u>fasco</u>)

The foregoing instrument was acknowledged before me this $\underline{44}$ day of $\underline{0.406er}$, 2002 by Larry DeLucenay, who is personally known to me.

Print Name

Notary Public State of Florida at-Large My Commission Expires:

