

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RECEIVED-PROC

In Re: Application of Mad Hatter Utility, Inc. for amendment of water certificate in Pasco County, Florida

07 MAR -2 AM 10:08

Docket No. 041342-WU
021218
COMMISSION
CLERK

_____/

**PASCO COUNTY'S OBJECTION TO APPLICATION
FOR AMENDMENT OF CERTIFICATE**

Pursuant to Rule 25-30.031 of the Florida Administrative Code and Fla. Stat. §§120.54(5)(b)(4), 120.569, 120.57(1), and 367.045, Pasco County objects to the application of Mad Hatter Utility, Inc. (Mad Hatter) for amendment of its water certificate to add territory in Pasco County, Florida (the application).

**OBJECTION TO APPLICATION FOR AMENDMENT
OF CERTIFICATE**

1. Pasco County objects to the application as the legal description attached to the application is wrong. The parties' reached an agreement to Mad Hatter's application.

CMP _____ Pursuant to the terms of the agreement, the County and Mad
COM _____
CTR _____ Hatter divided the property which Mad Hatter had sought to
ECR _____ serve to permit the County to serve some of the land and Mad
GCL _____ Hatter to serve the remainder. A copy of that agreement is
OPC _____ attached as Exhibit A. The February 5, 2007, application
RCA _____ should reflect that agreement.
SCR _____

SGA _____ The legal description contained in Mad Hatter's latest
SEC _____ application is in error. The County's survey department
OTH Kim

DOCUMENT NUMBER-DATE

01960 MAR-28

FPSC-COMMISSION CLERK

plotted the four parcels and there is a mistake in the legal description for Parcel One. In the portion lessed out, the second of seven courses should read "s 00' 43' 23' w," not "s 01' 43' 23' w." The surveyor's sketches showing the error are attached as Exhibit B.

2(a). The name and address of petitioner:

Pasco County, Florida
Attn: John Gallagher, County Administrator
7530 Little Road
New Port Richey, Florida 34656

2(b). Notices and communications with respect to this docket should be addressed to:

Marion Hale, Esq.
Johnson, Pope, Bokor
Ruppel & Burns, LLP
P.O. Box 1368
Clearwater, Florida 33757

Copy to:
Robert Sumner, Esq.
Pasco County Attorney's Office
7530 Little Road
New Port Richey, Florida 34656


3. Pasco County is a duly organized political subdivision of the State of Florida which provides potable water service and wastewater treatment service to customers residing within the County's limits, including the territory which Mad Hatter has requested permission to serve.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that an original and fifteen copies hereof have been served by Federal Express upon Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850 and one copy upon F. Marshall Deterding, Rose Sundstrum & Bentley, 2548 Blairstone Pines Drive, Tallahassee, Florida 32301, this 1st day of March, 2007.

JOHNSON, POPE,
BOKOR, RUPPEL & BURNS, LLP

By: _____


MARION HALE
FBN #441351
STEVEN H. WEINBERGER
FBN #0175374
Post Office Box 1368
Clearwater, FL 34617
(813) 461-1818
Attorneys for Pasco County

095525.398213

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TALLAHASSEE, FLORIDA 32301

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DIANE D. TRSMON, P.A.
JOHN L. WHARTON

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LONGWOOD, FLORIDA 32779
(407) 830-6331
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MARTIN S. FRIEDMAN, P.A.
VALERIE L. LORD
BRIAN J. STREET

January 8, 2007

Marion Hale, Esquire
Johnson, Blakely, Pope, et al.
P O. Box 1368
Clearwater, FL 33757-1368

Re: Mad Hatter Utility, Inc.
Water and Sewer Service, PSC Extensions, Circuit and Appellate Actions
Our File No. 28023,16

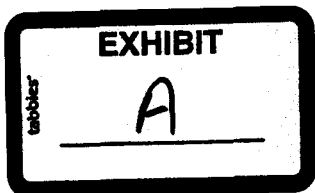
Dear Marion:

I have outlined below the agreed upon settlement of the various cases pending between Pasco County and Mad Hatter Utility, Inc. at the PSC and in the Circuit and Appellate Courts.

Settlement Provisions

1. Circuit Court and Appellate Court Actions - Mad Hatter would agree to withdraw its current pending appeal and its action at the Circuit Court in Case Nos. 51-2005-CA-2416ES and 2D06-679, respectively. Mad Hatter will agree to pay the County's attorney's fees incurred in this litigation, which would be a total payment by Mad Hatter to the County of \$13,526. Such payment will be made immediately after final approval of the proposed settlement by the PSC and dismissal of all proceedings required to be dismissed hereunder.
2. PSC Proceedings
 - a) Oak Grove Commercial Area - PSC Docket No. 021215-WS

MHU would drop its request to add the uncertificated commercial areas along State Road 54 of the Oak Grove subdivision to its certificated service territory and would only add that portion that includes residential service, which is located on the south 2/5 of the territory as originally proposed for extension. A map showing the



Marion Hale, Esquire
January 8, 2007
Page 2

location of these properties that would be served by the County and the part that would be served by Mad Hatter is attached as Exhibit "A." This arrangement reflects the current state of affairs where the County is serving the commercial properties and Mad Hatter is serving the residential properties within this territory. The County agrees with this resolution and will support it at the PSC.

b) Livingston Road Extension Docket No. 041342-WU

The County would agree to withdraw its objection to the extension of Mad Hatter's service territory to include water and wastewater service to the daycare center east of Livingston Road. MHU agrees to withdraw its application with regard to the one single family residence requested for extension in this docket which is west of Livingston Road. While MHU will initially only provide water service to this one daycare parcel (which currently receive sewer service by septic tank), the parties would agree, to the extent sewer service is needed to this parcel in the future, that Mad Hatter would be the appropriate provider of such service and the County would, therefore, support Mad Hatter's request that this parcel be included in both its water and wastewater certificate. A map showing the location of this property is attached as Exhibit "B."

c) Additional Residents

The County would stipulate that three additional residences, at the following addresses, east of Livingston Road, would be included in Mad Hatter's water and wastewater service territory and would be served by Mad Hatter:

1410 Livingston Road - 1 single family residence with septic tank

1426 Livingston Road - 1 single family residence with septic tank

1524 Livingston Road - 1 single family residence with septic tank

A set of maps showing these three properties is attached as Exhibits "C-1" and "C-2. Exhibit C-1 is a map showing the location of the three additional Livingston Road properties and Exhibit C-2 is a map showing those three additional Livingston Road properties along with the daycare property requested in DK 041342-WU, which is referenced in 2.b. above.

d) Temporary Water Service

Mad Hatter is currently providing water service to one residence on the south side of Leonard Road located at 20434 Leonard Road. Because of a previous illegal connection there is also such water service potentially available to a second

Marion Hale, Esquire
January 8, 2007
Page 3

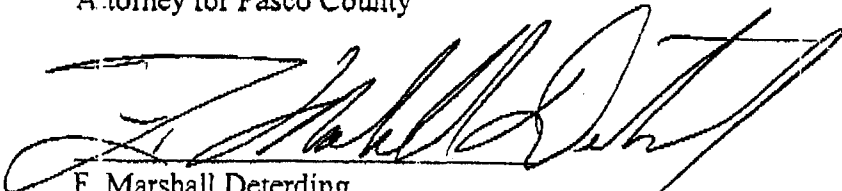
residence next door at 20450 Leonard Road. MHU may continue to provide temporary service to those residences until the County extends service to the properties located south of those residences. At that time, those two homes must disconnect from MHU and transfer to the County's system. MHU agrees that it will not extend any service beyond those two residences or beyond any of its certificated areas without Public Service Commission approval. MHU also agrees not to use the terms of this agreement to allege that it should serve these homes or any other area by virtue of the fact that the County has agreed not to object to MHU's service to these two homes under these limited conditions.

The agreements in Paragraph 1 are contingent upon the PSC approving the provisions in Paragraphs 2.a., 2.b., and 2.c, without change.

I believe this accurately reflects our agreement. If you agree, please sign your name in the space provided below, and I will submit this to the Public Service Commission for approval and processing as quickly as possible.

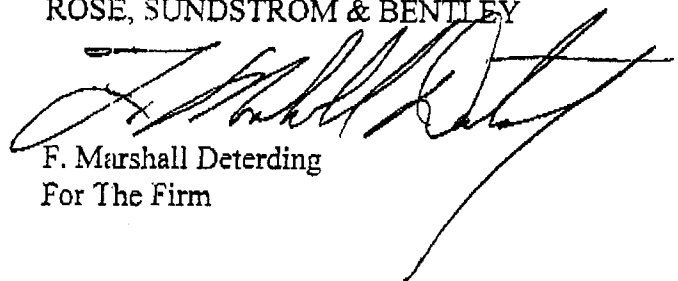


Marion Hale, Esquire
Johnson, Pope, Bokor, Ruppel, & Burns, LLP
Attorney for Pasco County



F. Marshall Deterding
Rose, Sundstrom & Bentley, LLP
Attorney for Mad Hatter Utility, Inc.

Sincerely,
ROSE, SUNDBSTROM & BENTLEY



F. Marshall Deterding
For The Firm

FMD/tms
cc Mr. Larry DeLucenay
ma 120hale.ltr

STATE ROAD NO. 4
24' ASPH. P.W.T. - 100' R/W

S89°59'49"E - 60.00'

VACANT

VACANT

S89°59'49"E - 1332.62'

S89°59'49"E - 580.19'

DRNG. ESMT.

DRAINAGE TRACT

DRAINAGE TRACT

DRAINAGE TRACT

10' PEDESTRIAN WAY

EASTWICK LAKE
50' R/W

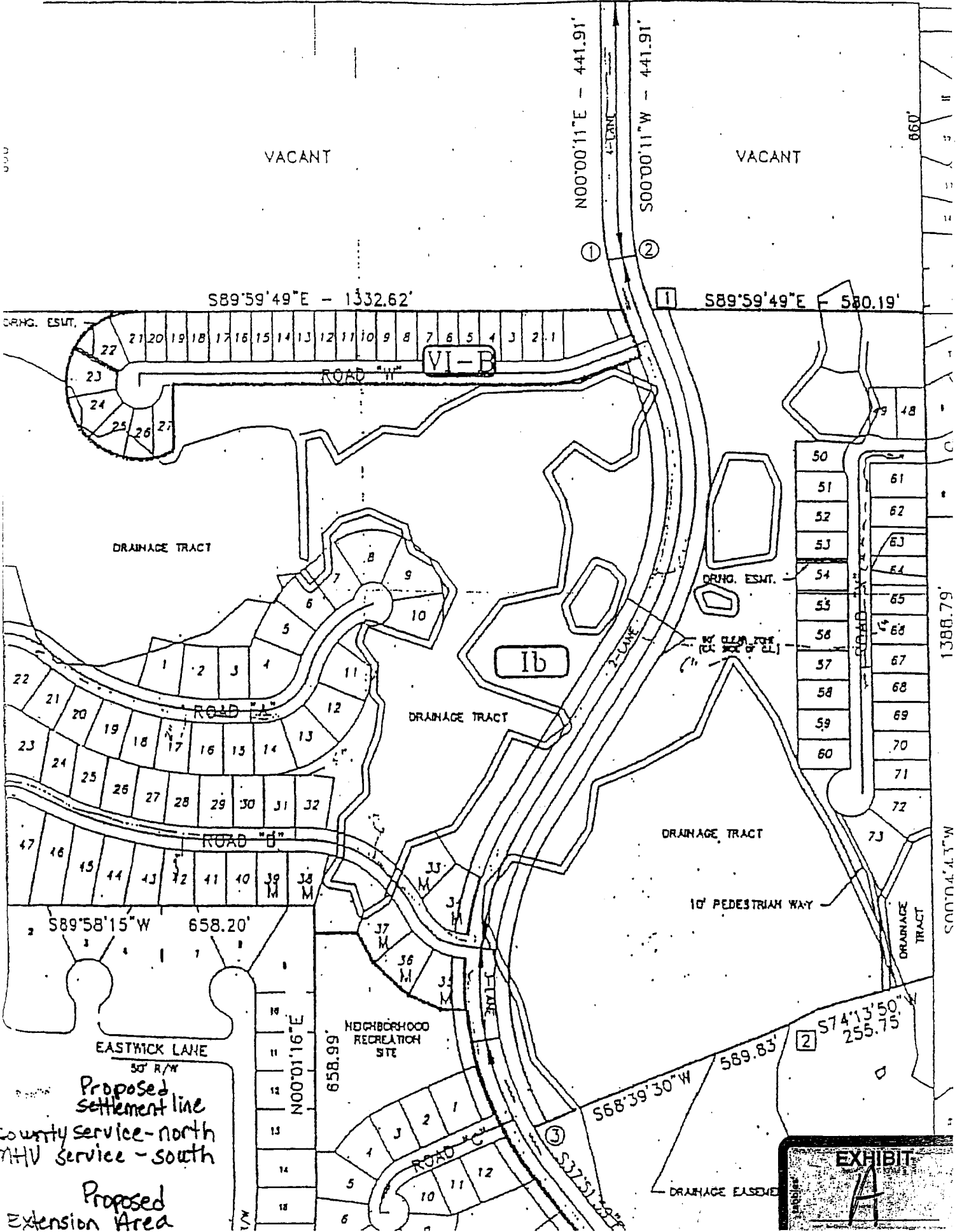
Proposed settlement line
County Service - north
MHV Service - south

Proposed Extension Area

NEIGHBORHOOD RECREATION SITE

EXHIBIT

A



Pasco County, Florida
2.4 miles ESE of Land O Lakes
Prepared by the Office of Mike Wells, Pasco County Property Appraiser.

Map Created on 4/6/2006 at 11:25:46 AM.

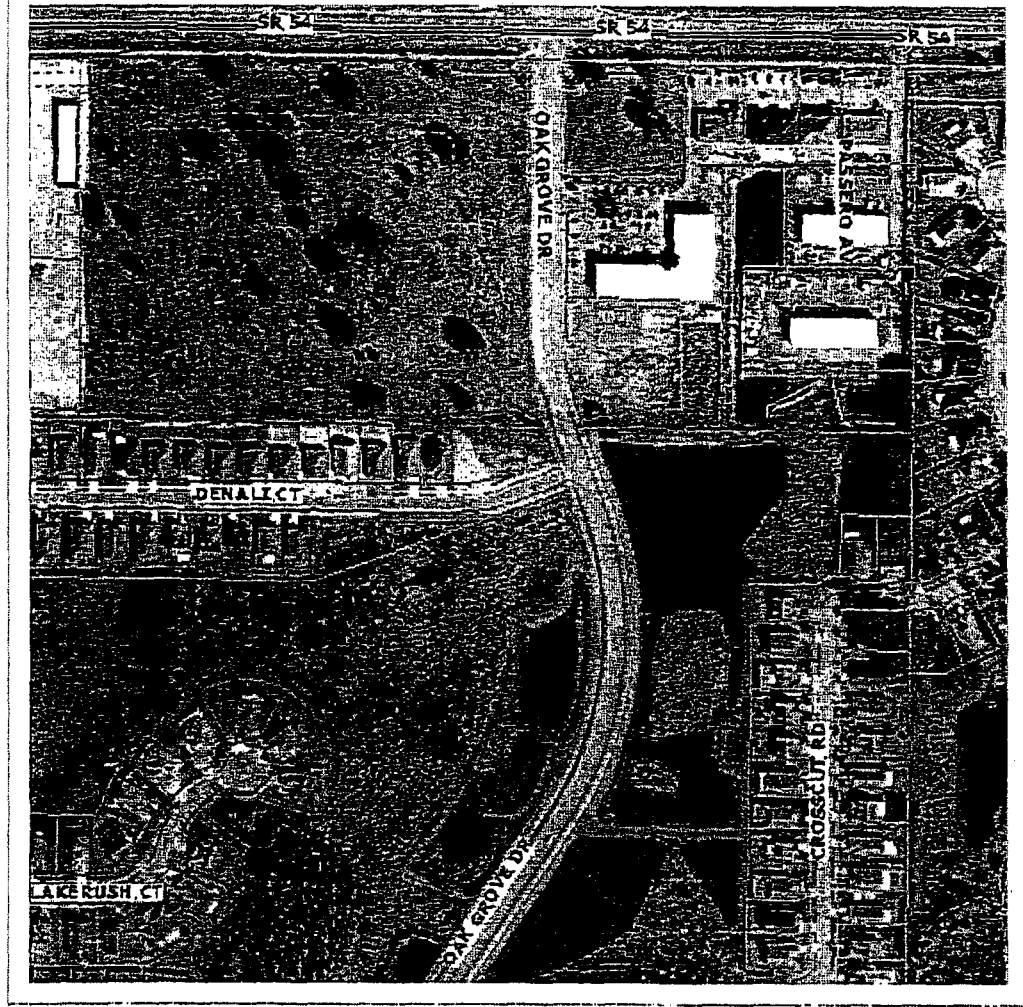


EXHIBIT
B

Pasco County, Florida
3.2 miles E of Land O Lakes

Prepared by the Office of Mike Wells, Pasco County Property Appraiser.

Map Created on 8/30/2006 at 3:51:04 PM.



Pasco County, Florida
Section 32, Township 26, Range 19, 2.6 miles ESE of Land O Lakes
Prepared by the Office of Mike Walls, Pasco County Property Appraiser.

Map Created on 4/5/2006 at 2:26:06 PM.



EXHIBIT
C-1

Pasco County, Florida
2.5 miles ESE of Land O Lakes
Prepared by the Office of Mike Wells, Pasco County Property Appraiser.

Map Created on 4/5/2006 at 2:27:33 PM.

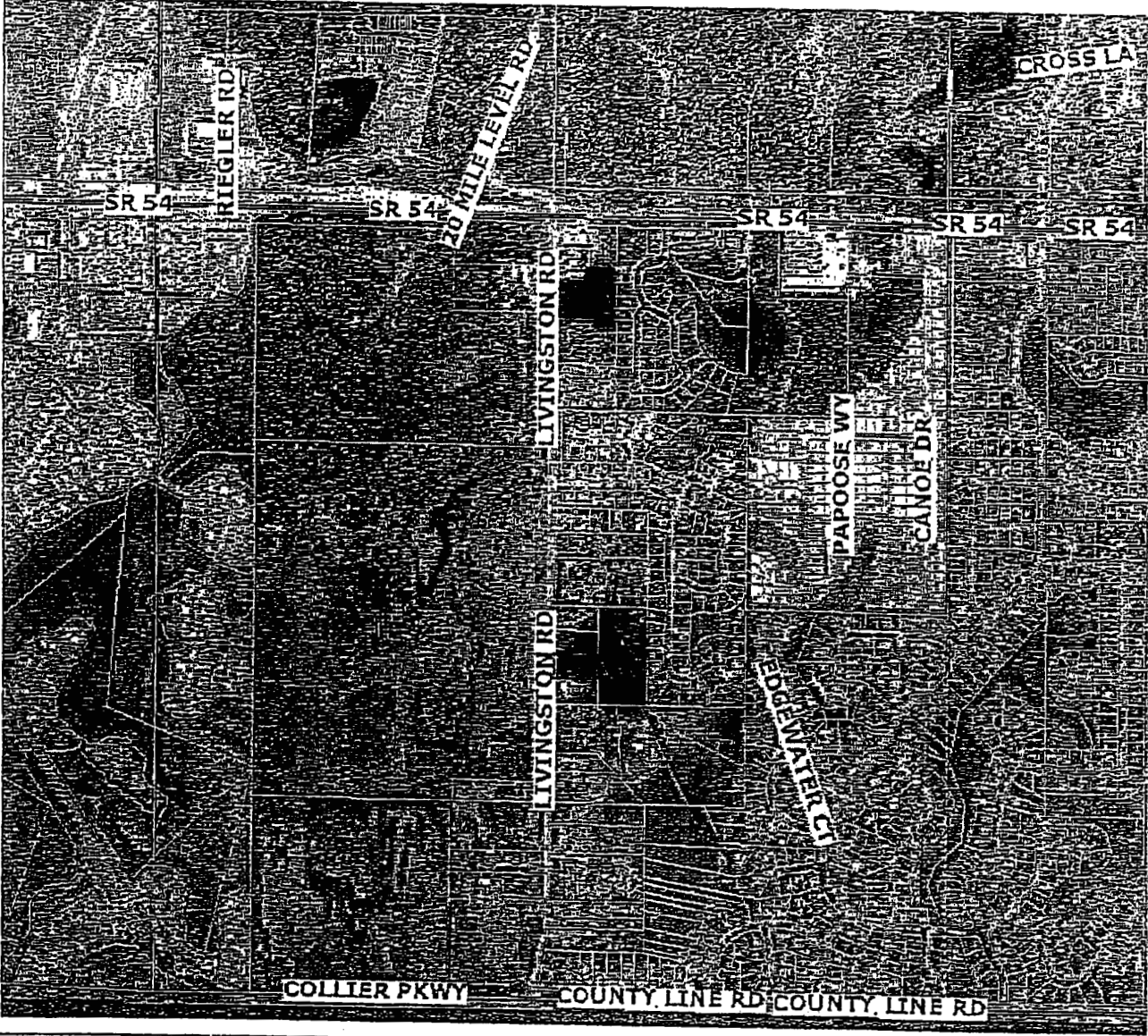


EXHIBIT
C-2

January __, 2007

LEGAL NOTICE OF APPLICATION FOR AMENDMENT OF CERTIFICATES

Pursuant to the provisions of Section 367.045, Florida Statutes, and the provisions of Florida Public Service Commission Rule 25-30.036(2), Notice is hereby given this ___ day of January, 2007 by Mad Hatter Utility, Inc., 2348 Raden Drive, Land O'Lakes, Florida 34639, of its Application in Docket Nos. 041342-WU and 021215-WS to extend its service area to provide water and wastewater service to the following described lands in Pasco County, Florida:

Parcel 1

A PORTION OF THE NORTH 596 FEET OF THE WEST 437.5 FEET OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 26 SOUTH, RANGE 19 EAST, PASCO COUNTY FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID TRACT AND RUN SOUTH 396 FEET FOR A POINT OF BEGINNING; THENCE FROM SAID POINT THE FOLLOWING SIX (6) COURSES:

- | | |
|-------------------------------|-------------------------------|
| 1) S 01°01'43"W, 300.00 FEET; | 2) N 88°58'21"W, 437.29 FEET; |
| 3) N 01°01'43"E, 272.31 FEET; | 4) S 88°14'18"E, 242.50 FEET; |
| 5) N 01°01'43"E, 27.96 FEET; | 6) S 88°58'21"E, 194.81 FEET; |
- TO THE AFOREMENTIONED POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING:

A PORTION OF THE NORTHEAST ONE QUARTER (NE 1/4) OF THE NORTHWEST ONE QUARTER (NW 1/4) AND A PORTION OF THE NORTHWEST ONE QUARTER (NW 1/4) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 32, TOWNSHIP 26 SOUTH, RANGE 19 EAST, PASCO COUNTY FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH ONE QUARTER CORNER (N 1/4) OF SECTION 32, TOWNSHIP 26 SOUTH, RANGE 19 EAST AND RUN S01°01'43"W, A DISTANCE OF 423.59 FEET ALONG THE WEST BOUNDARY OF THE NORTHWEST ONE QUARTER (NW 1/4) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 32 TO THE POINT OF BEGINNING. THENCE FROM SAID POINT OF BEGINNING THE FOLLOWING SEVEN (7) COURSES:

- | | |
|------------------------------|--|
| 1) S 88°14'18"E, 16.33 FEET; | 2) S 01°43'23"W, 272.11 FEET; |
| 3) N 88°58'21"W, 17.78 FEET; | 4) N 00°01'43"E, 228.90 FEET; |
| 5) N 88°46'48"W, 8.23 FEET; | 6) N 00°51'52"E, 43.49 FEET; |
| 7) S 88°14'18"E, 8.36 FEET; | THE AFOREMENTIONED POINT OF BEGINNING. |

Parcel 2

Section 32, Township 26 South, Range 19
East
Pasco County, Florida

NORTH 1/2 OF THE SW1/4 OF THE NW1/4 OF NW1/4 OF SE1/4 OF SECTION 32 LESS WEST 30 FT FOR ROAD RIGHT-OF-WAY FOR LIVINGSTON ROAD OR 5819 PG 1993

Parcel 3

SOUTH 1/2 OF NW1/4 OF NW1/4 (O1) OF NW1/4 OF SE1/4 OF SEC EXC WEST 30.00 FT FOR ROAD R/W FOR LIVINGSTON RD OR 5706 PG 1981

Parcel 4

EAST 1/2 OF NW1/4 OF NW1/4 OF SE1/4 OR 1266 PG 1843 OR 3829 PG 969 OR 6346 PG 619

Any objection to the said application must be made in writing and filed with the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within thirty (30) days from the date of this notice and should reference Docket Nos. 041342-WU and 021215-WS. At the same time, a copy of said objection should be mailed to the applicant whose address is set forth below. The objection must state the grounds for the objection with particularity.

F. Marshall Deterding, Esquire
Rose, Sundstrom & Bentley
2548 Blairstone Pines Drive
Tallahassee, Florida 32301

February 5, 2007

LEGAL NOTICE OF APPLICATION FOR AMENDMENT OF CERTIFICATES

Pursuant to the provisions of Section 367.045, Florida Statutes, and the provisions of Florida Public Service Commission Rule 25-30.036(2), Notice is hereby given this 5th day of February, 2007 by Mad Hatter Utility, Inc., 2348 Raden Drive, Land O'Lakes, Florida 34639, of its Application in Docket Nos. 041342-WU and 021215-WS to extend its service area to provide water and wastewater service to the following described lands in Pasco County, Florida:

Parcel 1

A PORTION OF THE NORTH 596 FEET OF THE WEST 437.5 FEET OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 26 SOUTH, RANGE 19 EAST, PASCO COUNTY FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID TRACT AND RUN SOUTH 396 FEET FOR A POINT OF BEGINNING; THENCE FROM SAID POINT THE FOLLOWING SIX (6) COURSES:

- 1) S 01°01'43"W, 300.00 FEET;
- 2) N 88°58'21"W, 437.29 FEET;
- 3) N 01°01'43"E, 272.31 FEET;
- 4) S 88°14'18"E, 242.50 FEET;
- 5) N 01°01'43"E, 27.96 FEET;
- 6) S 88°58'21"E, 194.81 FEET; TO THE AFOREMENTIONED POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING:

A PORTION OF THE NORTHEAST ONE QUARTER (NE 1/4) OF THE NORTHWEST ONE QUARTER (NW 1/4) AND A PORTION OF THE NORTHWEST ONE QUARTER (NW 1/4) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 32, TOWNSHIP 26 SOUTH, RANGE 19 EAST, PASCO COUNTY FLORIDA, DESCRIBED AS FOLLOWS:

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- 1) S 88°14'18"E, 16.33 FEET;
- 2) S 01°43'23"W, 272.11 FEET;
- 3) N 88°58'21"W, 17.78 FEET;
- 4) N 00°01'43"E, 225.90 FEET;
- 5) N 88°46'48"W, 8.23 FEET;
- 6) N 00°51'52"E, 43.49 FEET;
- 7) S 88°14'18"E, 8.36 FEET; THE AFOREMENTIONED POINT OF BEGINNING.

OVERLAPS ON PARCEL 1 & WON'T CLOSE.

Parcel 2

Section 32, Township 26 South, Range 19 East
Pasco County, Florida

NORTH 1/2 OF THE SW1/4 OF THE NW1/4 OF NW1/4 OF SE1/4 OF SECTION 32 LESS WEST 30 FT FOR ROAD RIGHT-OF-WAY FOR LIVINGSTON ROAD OR 5819 PG 1993

Parcel 3

SOUTH 1/2 OF NW1/4 OF NW1/4 (O1) OF NW1/4 OF SE1/4 OF SEC EXC WEST 30.00 FT FOR ROAD R/W FOR LIVINGSTON RD OR 5706 PG 1981

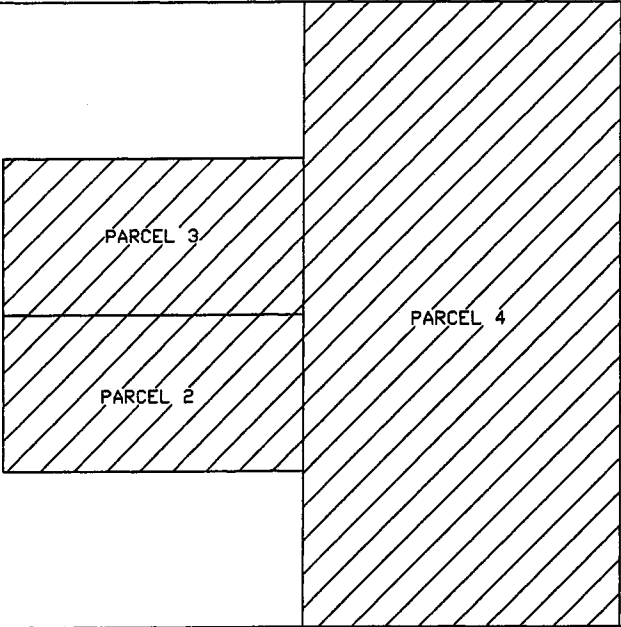
Parcel 4

EAST 1/2 OF NW1/4 OF NW1/4 OF SE1/4 OR 1266 PG 1843 OR 3829 PG 969 OR 6346 PG 619

Any objection to the said application must be made in writing and filed with the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within thirty (30) days from the date of this notice and should reference Docket Nos. 041342-WU and 021215-WS. At the same time, a copy of said objection should be mailed to the applicant whose address is set forth below. The objection must state the grounds for the objection with particularity.

F. Marshall Deterding, Esquire
Rose, Sundstrom & Bentley
2548 Blairstone Pines Drive
Tallahassee, Florida 32301

N 1397846.4238
E 520991.1778
CCR 54518



PARCEL 3

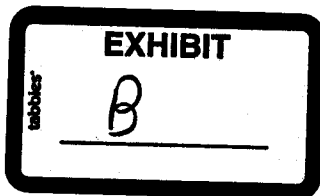
PARCEL 2

PARCEL 4

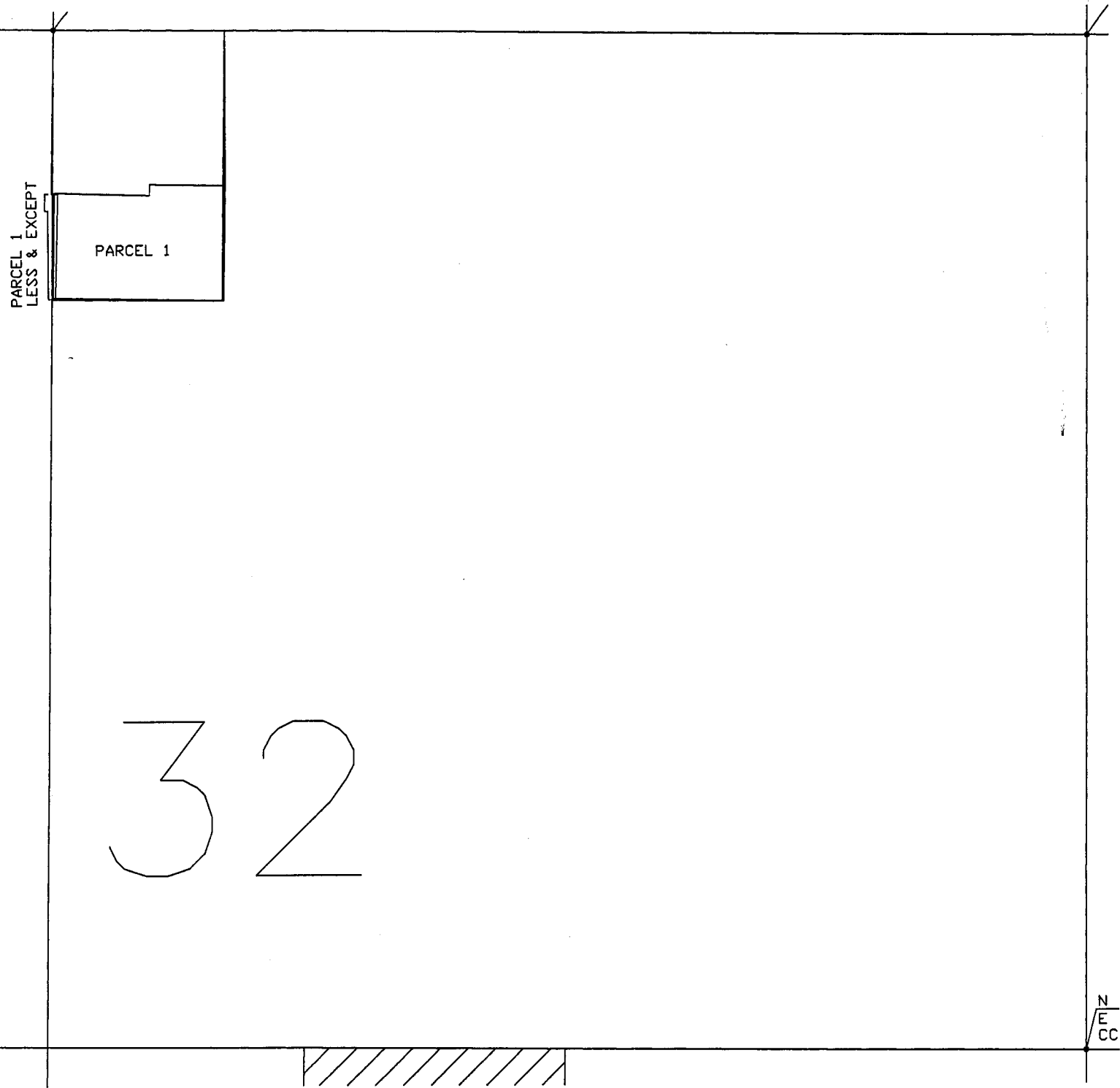
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CCR 54517

N 1395210.5173
E 520963.8000
CCR 77310

SEC 32-26-16



32



PARCEL 1
LESS & EXCEPT

PARCEL 1

32

N
E
CC

PARCEL 1
LESS & EXCEPT

PARCEL 1



Certified Copies of any deed should be obtained at the Office of the Clerk of the Circuit Court

OR BK 3868 PG 1820

3 of 3

SECTION 32, TOWNSHIP 26 S., RANGE 19 E.

SKETCH AND DESCRIPTION ADDITIONAL RIGHT-OF-WAY LIVINGSTON AVENUE PASCO COUNTY, FLORIDA

EXHIBIT "A"

DESCRIPTION:

A PORTION OF THE NORTHEAST ONE QUARTER (NE 1/4) OF THE NORTHWEST ONE QUARTER (NW 1/4) AND A PORTION OF THE NORTHWEST ONE QUARTER (NW 1/4) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 32, TOWNSHIP 26 SOUTH, RANGE 19 EAST, PASCO COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTH ONE QUARTER CORNER (N 1/4) OF SECTION 32, TOWNSHIP 26 SOUTH, RANGE 19 EAST AND RUN S01°01'43"W, A DISTANCE OF 423.59 FEET ALONG THE WEST BOUNDARY OF THE NORTHWEST ONE QUARTER (NW 1/4) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 32 TO THE POINT OF BEGINNING. THENCE FROM SAID POINT OF BEGINNING THE FOLLOWING SEVEN (7) COURSES:

- 1) S 88°14'18" E, 16.33 FEET;
- 2) S 01°43'23" W, 272.11 FEET; *BAD*
- 3) N 88°58'21" W, 17.78 FEET;
- 4) N 00°01'43" E, 228.90 FEET;
- 5) N 88°46'48" W, 8.23 FEET;
- 6) N 00°51'52" E, 43.49 FEET;
- 7) S 88°14'18" E, 8.36 FEET;

THE AFOREMENTIONED POINT OF BEGINNING CONTAINING 5.003 SQUARE FEET±

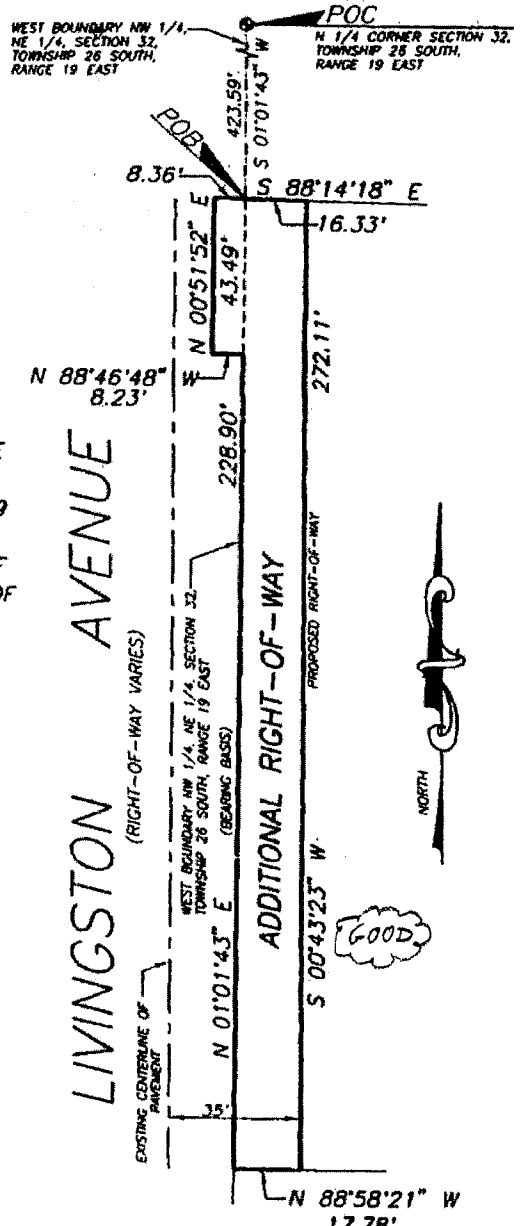
BEARINGS REFERENCED TO THE WEST BOUNDARY OF THE NORTHWEST ONE QUARTER (NW 1/4) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 32, TOWNSHIP 26 SOUTH, RANGE 19 EAST, BEING N 01°01'43" E (ASSUMED)

EXHIBIT "A"

N = NORTH, S = SOUTH, E = EAST, W = WEST, P.O.C. = POINT OF COMMENCEMENT, P.O.B. = POINT OF BEGINNING, R = RADIUS, A = ARC LENGTH, CH = CHORD LENGTH, CB = CHORD BEARING, Δ = DELTA = CENTRAL ANGLE.

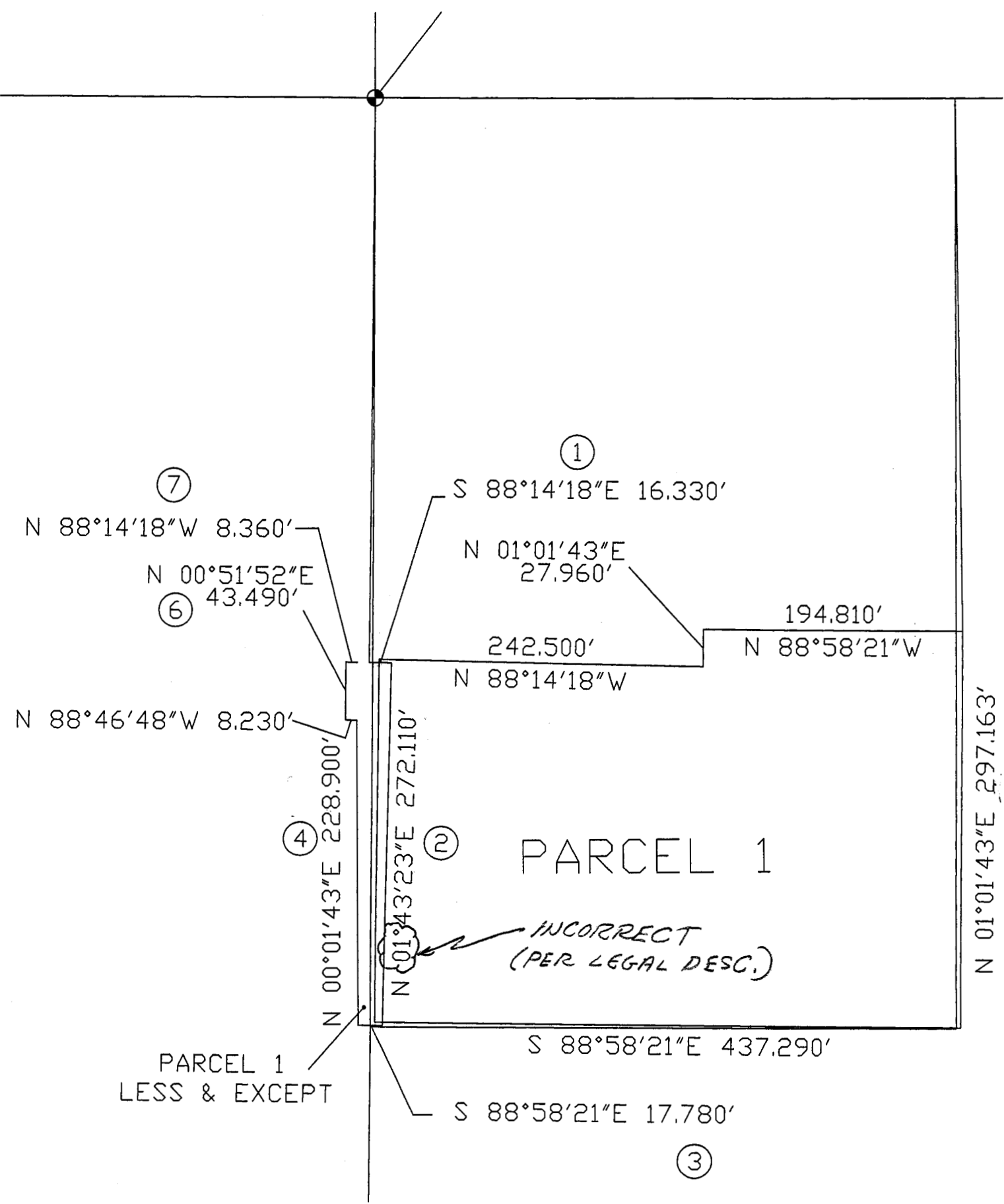
THIS IS NOT A SURVEY

S 00°49'23" W



MICHAEL BAKER ASSOCIATES, INC.
 LAND SURVEYORS AND PLANNERS
 9 SOUTH SAFFORD AVENUE
 TARPON SPRINGS, FLORIDA 34689
 (813) 938-5026 FAX# (813) 938-2566





⑦

N 88°14'18"W 8.360'

N 00°51'52"E 43.490'

⑥

①

S 88°14'18"E 16.330'

N 01°01'43"E 27.960'

194.810'

N 88°58'21"W

242.500'

N 88°14'18"W

N 88°46'48"W 8.230'

④

N 00°01'43"E 228.900'

N 01°43'23"E 272.110'

②

PARCEL 1

INCORRECT
(PER LEGAL DESC.)

N 01°01'43"E 297.163'

PARCEL 1
LESS & EXCEPT

S 88°58'21"E 437.290'

S 88°58'21"E 17.780'

③

S 88°14'18"E 8.360'

N 00°51'52"E 43.490'

S 88°15'21"E 16.325'

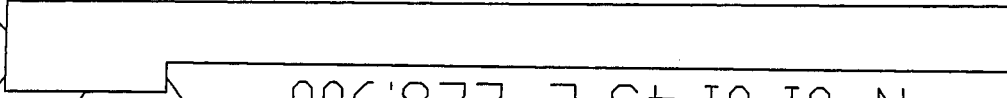
S 88°46'48"E 8.230'

N 01°01'43"E 228.900'

N 00°43'23"E 272.110'

CORRECT (PER SKETCH)

S 88°58'21"E 17.780'



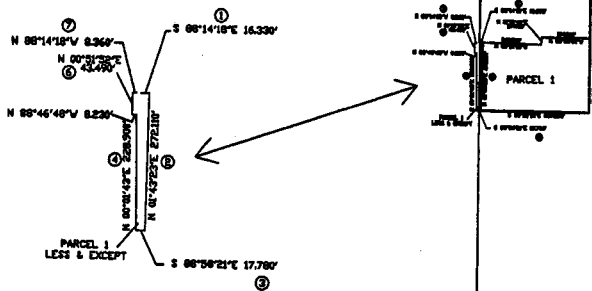
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CCR 64506

N 1405163.2682
E 315367.8079
CCR 54508

B.T.F.

S.R. 54

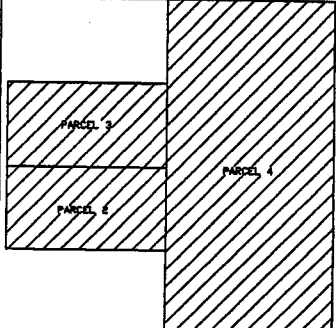
S.R. 54



32-26-19

N 1327381.6640
E 315706.3370
CCR 54313

N 1327344.4238
E 315711.776
CCR 54318



N 1325643.8830
E 315701.0780
CCR 54316

N 1325821.1704
E 315366.2563
CCR 54317

N 1325210.5172
E 315963.8000
CCR 77310

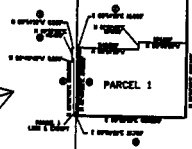
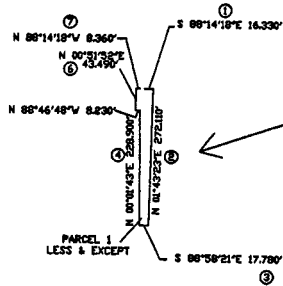
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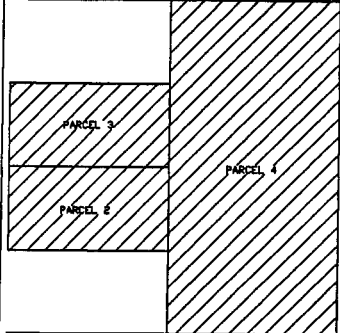
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