

VOTE SHEET

July 31, 2007

Docket No. 021215-WS – Application for amendment of Certificates Nos. 340-W and 297-S to add territory in Pasco County by Mad Hatter Utility, Inc.

Docket No. 041342-WU – Application for amendment of Certificate No. 340-W to add territory in Pasco County by Mad Hatter Utility, Inc.

Issue 1: Should the Settlement between Mad Hatter and Pasco County be approved, and Mad Hatter’s request to amend its water and wastewater certificates be granted?

Recommendation: Yes. The Settlement filed by the parties provides a reasonable resolution of the parties’ dispute in these dockets and should be approved, and Certificate Nos. 340-W and 297-S held by Mad Hatter Utility, Inc. should be amended to include the territory shown on Attachment B of staff’s July 19, 2007, memorandum. The resultant Order should serve as Mad Hatter’s water and wastewater certificates and should be retained by the utility. Mad Hatter should charge these customers the same rates and charges contained in the utility’s tariff until authorized to change by this Commission in a subsequent proceeding. Mad Hatter should additionally file a report on an annual basis, from the date of the order, updating the status of the Leonard Road customers. Upon notice by Pasco County that it is willing, ready, and able to serve the Leonard Road customers, staff should be given administrative authority to acknowledge the removal of these customers from Mad Hatter’s service territory and amend the utility’s territory description accordingly.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners on lines.

Blank lines for dissenting signatures.

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE
06562 AUG-1 5
FPSC-COMMISSION CLERK

Vote Sheet

July 31, 2007

Docket No. 041342-WU – Application for amendment of Certificate No. 340-W to add territory in Pasco County by Mad Hatter Utility, Inc.

(Continued from previous page)

Issue 2: Should Mad Hatter be ordered to show cause, in writing, within 21 days, why it should not be fined for serving outside its certificated territory without prior Commission approval in apparent violation of Section 367.045(2), Florida Statutes?

Recommendation: Yes. Mad Hatter should be ordered to show cause in writing, within 21 days, why it should not be fined a total of \$500 for its apparent violation of Section 367.045(2), Florida Statutes. The order to show cause should incorporate the conditions stated in the analysis portion of staff's July 19, 2007, memorandum. Staff further recommends that the Commission require Mad Hatter to provide, within 90 days of the order, a map showing the utility's entire water and wastewater service area, as set forth in the legal descriptions for that certificated area as approved in this order and all prior Commission orders.

APPROVED

Issue 3: Should the dockets be closed?

Recommendation: Yes. If no person whose substantial interests are affected by the proposed agency action issue files a protest within twenty-one days of the issuance of the order, a consummating order will be issued for the proposed agency action issues. If Mad Hatter pays the \$500 in fines, the dockets should be closed administratively. If the utility timely responds in writing to the Order to show cause, the dockets should remain open to allow for the appropriate processing of the response.

APPROVED