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Public Service Commission

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COMMISSION
CLERK

January 31, 2008

Mr. Joseph Izzo
1712 Land O Lakes Boulevard
Lutz, FL 33415

Re: Docket No. 080031-WS; Application for amendment of Certificates Nos. 290-S and 340-W to add territory in Pasco County by Mad Hatter Utility, Inc.

Dear Mr. Izzo:

Mad Hatter Utility, Inc. has applied to the Public Service Commission for amendment of its territory to include your property to allow you to become a water and wastewater customer of Mad Hatter. In your letter to Mr. DeLucenay at Mad Hatter dated October 16, 2007, you state that you are interested in water service due to the poor quality of the water from the well on your property. No mention of the need for wastewater service is mentioned in your letter.

Is wastewater service something that you would want for your property? If your property is included in the territory of Mad Hatter, under certain circumstances you could be made to connect your building to the wastewater system owned by Mad Hatter. A copy of the Florida Statute that addresses this instance is enclosed.

Part of the process for an amendment application is noticing utilities and governmental entities in Pasco County, as well as publishing a legal notice in the newspaper, stating the intent of Mad Hatter to enlarge its territory. Thirty days is allowed from the date of notice to allow any affected party to protest the enlargement of territory. If there is no protest, the territory is usually granted to the utility company, which in this case is Mad Hatter. It appears that the thirty day window of time expires on February 7, 2008.

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Please contact the Commission or me and let us know if you are interested in being included in the wastewater territory of Mad Hatter. The Commission's address is at the top of this letterhead, or you can e-mail me at twalden@psc.state.fl.us noting your intention.

Sincerely yours,



Thomas Walden,
Engineer Specialist

TW

enclosure (Sec. 381.00655, Florida Statutes)

cc: **Commission Clerk, docket file**
Keino Young, Staff Counsel
F. Marshall Deterding, Utility's Counsel

The 2007 Florida Statutes

[Title XXIX](#)

[Chapter 381](#)

[View Entire Chapter](#)

PUBLIC HEALTH

PUBLIC HEALTH: GENERAL PROVISIONS

381.00655 Connection of existing onsite sewage treatment and disposal systems to central sewerage system; requirements.--

(1)(a) The owner of a properly functioning onsite sewage treatment and disposal system, excluding an approved onsite graywater system, must connect the system or the building's plumbing to an available publicly owned or investor-owned sewerage system within 365 days after written notification by the owner of the publicly owned or investor-owned sewerage system that the system is available for connection. The publicly owned or investor-owned sewerage system must notify the owner of the onsite sewage treatment and disposal system of the availability of the central sewerage system. No less than 1 year prior to the date the sewerage system will become available, the publicly owned or investor-owned sewerage system shall notify the affected owner of the onsite sewage treatment and disposal system of the anticipated availability of the sewerage system and shall also notify the owner that the owner will be required to connect to the sewerage system within 1 year of the actual availability. The owner shall have the option of prepaying the amortized value of required connection charges in equal monthly installments over a period not to exceed 2 years from the date of the initial notification of anticipated availability. Nothing in this section shall operate to impair contracts or other binding obligations relating to payment schedules in existence as of October 1, 1993. Nothing in this paragraph limits the power of a municipality or county to enforce other laws for the protection of the public health and safety.

(b) The owner of an onsite sewage treatment and disposal system that needs repair or modification to function in a sanitary manner or to comply with the requirements of ss. 381.0065-381.0067 or rules adopted under those sections must connect to an available publicly owned or investor-owned sewerage system within 90 days after written notification from the department. In hardship cases, upon request of the owner, the department may approve an extension of not more than 90 days for sewerage connection. The department may approve only one extension. This paragraph does not authorize the owner of the onsite sewage treatment and disposal system to create or maintain a sanitary nuisance.

(2) The provisions of subsection (1) or any other provision of law to the contrary notwithstanding:

(a) The local governing body of the jurisdiction in which the owner of the onsite sewage treatment and disposal system resides may provide that any connection fee charged under this section by an investor-owned sewerage system may be paid without interest in monthly installments, over a period of time not to exceed 5 years from the date the sewerage system becomes available if it determines that the owner has demonstrated a financial hardship. The local governing body shall establish criteria for making this determination which take into account the owner's net worth, income, and financial needs.

(b) A publicly owned or investor-owned sewerage system may, with the approval of the department, waive the requirement of mandatory onsite sewage disposal connection if it determines that such

connection is not required in the public interest due to public health considerations.

(c) A local government or water and sewer district responsible for the operation of a centralized sewer system under s. [153.62](#) may grant a variance to an owner of a performance-based onsite sewage treatment and disposal system permitted by the department as long as the onsite system is functioning properly and satisfying the conditions of the operating permit. Nothing in this paragraph shall be construed to require a local government or water and sewer district to issue a variance under any circumstance. Nothing in this paragraph shall be construed as limiting local government authority to enact ordinances under s. 4, chapter 99-395, Laws of Florida. A local government or water and sewer district located in any of the following areas shall not be required to issue a variance under any circumstance:

1. An area of critical state concern.
2. An area that was designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation.
3. An area in the South Florida Water Management District west C-11 basin that discharges through the S-9 pump into the Everglades.
4. An area designated by the Lake Okeechobee Protection Act.

History.--s. 2, ch. 93-151; s. 5, ch. 2006-252.