

IN RE: APPLICATION OF MAD HATTER UTILITY, INC. FOR AMENDMENT OF WATER AND WASTEWATER CERTIFICATES IN PASCO COUNTY, FLORIDA

Docket No. ~~28-104-003-118~~

MAD HATTER UTILITY, INC.'S MOTION TO STRIKE PASCO COUNTY'S COMMENTS

Mad Hatter Utility, Inc. ("Utility"), by and through its undersigned attorneys, files this Motion to Strike Pasco County's Comments to its Petition for Variance, and in support thereof states:

1. Pasco County has no standing to comment upon the Utility's Petition. Rule 28-104.003(1) provides that "[a]ny interested person or other agency may submit written comments on a petition for variance"

2. Pasco County is merely continuing its harassment of the Utility as it has no legitimate interest in the outcome of the Commission's decision of the Utility's position.

3. Pasco County's assertion that over time the value of the property will increase which will only cost the Utility more to acquire ignores the rights which the Utility will gain over time,

ACK _____ such as adverse possession or prescriptive easement. The Utility
AFA _____
APP _____ has used the property in question unimpeded since 1974 and believes
CAF _____ that in prior proceedings the Commission has approved of the
CMU _____
CTR _____ Utility's right and interest in the property in question.

EAG _____ 4. Pasco County is nothing more than a "mere intermeddler
LEG 2 in the administrative process." Dade County v. Wood, 662 So.2d 417
LIN 5
OPC _____ (Fla. 3d DCA 1995).

RCH _____

SEC 1

WAS Messer

OTH _____

DOCUMENT NUMBER-DATE

~~00702~~ JAN 14 8

FPSC-RECORDS/REPORTING

WHEREFORE, Mad Hatter Utility, Inc. requests the Commission issue an Order striking the comments made by Pasco County in the above-styled docket.

Respectfully submitted this
14th day of January, 1998, by:

ROSE, SUNDSTROM & BENTLEY, LLP
2548 Blairstone Pines Drive
Tallahassee, FL 32301
(850) 877-6555



MARTIN S. FRIEDMAN
For the Firm
FL Bar ID No. 0199060

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished by *Hand Delivery or U.S. Mail this 14th day of January, 1998.

Marion Hale, Esq.
Johnson, Blakely, Pope, et al.
Post Office Box 1368
Clearwater, FL 34617

*Hans Ottinot, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399



MARTIN S. FRIEDMAN

mad\971481\strike.mot