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March 31, 1992

ORIGINAL
FILE COPY

Steve Tibble, Director
Division of Records and Reporting
Public Service Commission
101 East Gaines Street
Tallahassee, FL 32399-0850

Re: Cook, et al vs. Lee County Electric Cooperative, Inc.
Docket No. 920225-EC

Dear Steve:

Thank you very much for your telephone call this morning.
It was good to talk with you.

I have enclosed herewith for filing the original and 15
copies of the motion to dismiss filed on behalf of Lee County
Electric Cooperative, Inc. I have also enclosed an original and
15 copies of the memorandum in support of the motion to dismiss.

If you should require anything further of me, please give me
a call.

Respectfully submitted,

John A. Noland
John A. Noland

- ACK
- AFA _____
- APP _____
- CAF _____
- CMU JAN/mmw
- CTR Enclosure

EAG cc: Mr. James D. Sherfey
LEG 1/4/92 Ms. Pamela M. May

- LIN ✓
- OPC 1
- RCH _____
- SEC 1
- WAS _____
- OTH _____

memo
DOCUMENT NUMBER-DATE

03193 APR -1 1992

Fpsc-RECORDS/REPORTING

motion
DOCUMENT NUMBER-DATE

03192 APR -1 1992

Fpsc-RECORDS/REPORTING

BEFORE THE PUBLIC SERVICE COMMISSION

GLADYS COOK, MARGARET DIAZ,
CAROLYN MOORE and DONALD
HULSLANDER

vs.

DOCKET NO. 920225-EC

LEE COUNTY ELECTRIC
COOPERATIVE, INC.

MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION

COMES NOW, LEE COUNTY ELECTRIC COOPERATIVE, INC., by and through its undersigned attorneys, and moves to dismiss the complaint filed herein by GLADYS COOK, et al, and as grounds therefor would state that the complaint on its face shows that the Public Service Commission has no subject matter jurisdiction over those matters contained with the complaint as none of the allegations come within the jurisdiction conferred on the Commission by law over a rural electric cooperative organized and existing under the laws of this State.

I HEREBY CERTIFY that the original and fifteen (15) copies of the above and foregoing have been furnished to Steve Tribble, Director, Division of Records and Reporting, Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32399-0850, by overnight mail, and that a true and correct copy has been furnished to William H. Grace, Esquire, P.O. Box 2119, Fort Myers, FL 33902, by U.S. Mail, this 31st day of March, 1992.

HENDERSON, FRANKLIN, STARNES & HOLT
Attorneys for LEE COUNTY ELECTRIC
COOPERATIVE, INC.
Post Office Box 280
Fort Myers, Florida 33902
813/334-4121

By: John A. Noland

John A. Noland
Florida Bar No. 175179

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03182 APR -1 1992

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