

DISTRICT COURT OF APPEAL  
FIRST DISTRICT  
STATE OF FLORIDA  
TALLAHASSEE, FLORIDA 32399-1850

**ORIGINAL**

DISTRIBUTION CENTER  
04 DEC 21 AM 7:54

JON S. WHEELER  
CLERK OF THE COURT

(850) 488-6151

December 20, 2004

Blanca S. Bayo, Clerk  
Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

RECEIVED-FPSC  
04 DEC 21 AM 9:19  
COMMISSION  
CLERK

RE: Lee County, Florida

v. In Re: Petition for  
Declaratory, etc., et al.

Docket No: 1D04-476

Lower Tribunal Case No.: 031020-WS

Dear Ms. Bayo:

I have been directed by the court to issue the attached mandate in the above-styled cause. It is enclosed with a certified copy of this Court's opinion.

Yours truly,

Jon S. Wheeler  
Clerk of the Court

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SEC 1
- JTH marquerite

JSW/je

Enclosures

c: (letter and mandate only)

Robert Scheffel Wright

James G. Yaeger

Kenneth J. Plante

John T. Lavia

Richard C. Bellak

Charles J. Beck

David M. Owen

F. Marshall Deterding

Marlene K. Stern, A.C.G.

DOCUMENT NUMBER-DATE

13364 DEC 21 04

FPSC-COMMISSION CLERK

ORIGINAL

**M A N D A T E**

From

**DISTRICT COURT OF APPEAL OF FLORIDA  
FIRST DISTRICT**

To Blanca S. Bayo, Director, Public Service Commission

WHEREAS, in that certain cause filed in this Court styled:

LEE COUNTY, FLORIDA

Case No : 1D04-476

v.

Lower Tribunal Case No : 031020-WS

IN RE: PETITION FOR  
DECLARATORY, ETC., ET AL.

The attached opinion was issued on December 2, 2004.

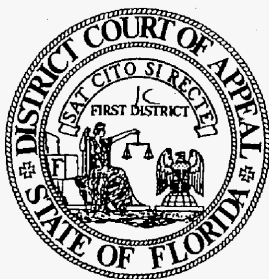
YOU ARE HEREBY COMMANDED that further proceedings, if required, be had in accordance with said opinion, the rules of Court, and the laws of the State of Florida.

WITNESS the Honorable JAMES R. WOLF, Chief Judge

of the District Court of Appeal of Florida, First District,

and the Seal of said Court done at Tallahassee, Florida,

on this 20th day of December 2004.



*Jon S. Wheeler*  
\_\_\_\_\_  
JON S. WHEELER, Clerk  
District Court of Appeal of Florida, First District

DOCUMENT NUMBER-DATE

13364 DEC 21 04

FPSC-COMMISSION CLERK

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

LEE COUNTY, FLORIDA,

Appellant,

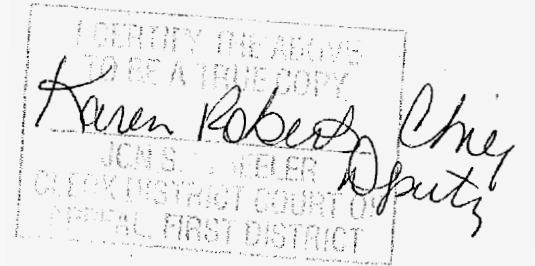
NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

v.

CASE NO. 1D04-476

IN RE: PETITION FOR  
DECLARATORY STATEMENT  
BEFORE THE FLORIDA PUBLIC  
SERVICE COMMISSION FOR  
FOREST UTILITIES, INC. and  
JAMAICA BAY WEST  
ASSOCIATES, LTD. TO  
DETERMINE WHETHER AN  
EXTENSION OF SERVICE  
TERRITORY PURSUANT TO  
SECTION 367.045(2), F.S., IS  
NECESSARY TO PROVIDE  
BULK WASTEWATER SERVICE  
TO JAMAICA BAY, AN EXEMPT  
ENTITY,

Appellees.



Opinion filed December 2, 2004.

An appeal from an order of the Florida Public Service Commission.

James G. Yaeger, Lee County Attorney; and David M. Owen, Chief Assistant  
County Attorney, Ft. Myers; Robert Scheffel Wright and John Thomas LaVia, III,  
of Landers & Parsons, P.A., Tallahassee, for Appellant.



F. Marshall Deterding and Diane D. Tremor, P.A., of Rose, Sundstrom & Bentley, LLP, Tallahassee, for Appellee/Forest Utilities, Inc.

Richard D. Melson, General Counsel; David E. Smith, Attorney Supervisor; Marlene K. Stern, Associate General Counsel, Tallahassee, for Appellee/Florida Public Service Commission.

PER CURIAM.

AFFIRMED.

ERVIN, DAVIS and HAWKES, JJ., CONCUR.