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

April 14, 1998

All Counsel in Case Numbers 98-713 and 98-727

Re: Case Management Conference - Proposed Order

Dear Counsel:

Enclosed please find a copy of a draft of the order which I plan to submit to the Chief Judge for approval. I am sorry about the delay in getting this proposed order out. However, as you are now aware, the court decided to dismiss case number 98-779 which was related to these two cases. The clerk's office was informed on Thursday or Friday of last week that the appellants in that case will not seek reinstatement. Until we were aware of what was happening with that case, I felt it would be potentially a waste of time to prepare a proposed order.

As I indicated at the case management conference, if you have any comments or suggestions regarding the order, please forward them to me within 10 days from the date of this letter. Comments should be sent directly to me and not the clerk's office. Copy your letter to all counsel. I learned a lesson here - never delay drafting the order, even if you are not going to send it for awhile. Since I am unsure the draft order reflects exactly what was agreed to, please review the draft order carefully. You should assume, however, that no matter what changes may be made to the order, the dates which were agreed to with regard to the briefing schedule will remain. Appellants should plan on filing their first brief no later than May 22, 1998.

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
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Very truly yours,

Thomas D. Hall
Conference Officer

DOCUMENT NUMBER-DATE

04306 APR 15 98

FPSC RECORDS/REPORTING

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DISTRICT COURT OF APPEAL, FIRST DISTRICT

Tallahassee, Fl. 32399

Telephone (904) 488-6151

DATE _____

CASE NO. 98-713 & 98-727

appellant/petitioner v. _____
appellee/respondent

BY ORDER OF THE COURT:

A joint case management conference was held on March 26, 1998, in case numbers 98-713, 98-727 and 98-779. Case numbers 98-713 and 98-727 are hereby consolidated for all purposes. All future filings should be in case number 98-713 (consolidated). Case number 98-779 has, by separate order, been dismissed.

There are two primary matters being appealed in these cases. Those matters are generally referred to by the parties as the refund/surcharge issue and the Spring Hill issue. Based on discussions at the case management conference it was agreed that the appellants with regard to the refund/surcharge issue are Sugarmill Woods Civic Association and the Brown-Waite group which consists of Senator Ginny Brown-Waite, Morty Miller, Spring Hill Civic Association, Inc., Sugarmill Manor, Inc., Cypress Village Property Owners Association, Inc., Harbor Woods Civic Association, Inc., Hidden Hills Country Club Homeowners Association, Inc., and Citrus County. The refund/surcharge appellants agreed to submit a single joint initial brief. The appellees, with regard to the

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refund/surcharge issue, are the Florida Public Service Commission (PSC), Florida Water Services Corporation, Marion Oaks Civic Association, Keystone Heights, Burnt Marina Store, Inc., Charlotte County and the DeRouin group, which consists of Joseph J. DeRouin, Victoria M. DeRouin, Peter H. Heeschen, Elizabeth A. Riordan, Carvell Simpson and Edward Slezak. The DeRouin group filed a notice of cross-appeal, but it became apparent during the case management conference that they are appellees and not cross-appellants because they will not be urging reversal of the order being appealed.

The appellant, with regard to the Spring Hill issue is Florida Water Services Corporation. The appellees with regard to the Spring Hill issue are all other parties, although some may not actually participate as appellees.

The parties agreed at the case management conference that the appellants would submit briefs addressing the two separate matters at the same time. In other words, the appellants on the refund/surcharge issue would submit their brief at the same time the appellant on the Spring Hill issue would submit its brief. The parties agreed to the following briefing schedule: 1) initial briefs will be due on May 22, 1998. Answer briefs will be due on July 2, 1998, and reply briefs will be due on August 14, 1998. The briefing schedule is hereby approved. The briefing schedule will not be extended absent a showing of extreme emergency. Motions will not toll the briefing schedule.

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There was also an agreement that the appellees with regard to the refund/surcharge issue would consolidate certain answer briefs. The PSC will submit an answer brief. The DeRouin group will submit a joint answer brief and all remaining appellees with regard to the refund/surcharge issue will submit a joint brief. With regard to the Spring Hill issue the PSC will submit an answer brief, the Office of Public Counsel will submit an answer brief and all other appellees who wish to file a brief will submit a joint answer brief.

The parties are attempting to reach a stipulation regarding oral argument. If such a stipulation is reached, it shall be submitted to the court for approval no later than August 14, 1998.

I HEREBY CERTIFY that the foregoing is (a true copy of) the original court order.

Jon S. Wheeler, Clerk

By: _____
Deputy Clerk

Copies: