

IN THE DISTRICT COURT OF APPEAL, FIRST DISTRICT

CASE NO.: 1D00-951

L.T. NO. 981781-SU

Joseph Devine,
Ronald Ludington,
Donald Gill

vs

North Fort Myers Utility, Inc

APPELLANTS

APPELLEE

RESPONSE TO ORDER OF THE COURT

THE APPELLANTS, Joseph Devine, Ronald Ludington and Donald Gill do hereby respond to the ORDER OF THE COURT, dated March 15, 2000, and herein state that the Notice of Appeal should not be dismissed as being untimely because the Notice of Appeal is based on the timing from the date of the Public Service Commission's (" PSC") ruling on a Motion To Reconsider by Mr. Ludington and a Motion To Reconsider and Rehear by Mr. Devine and Mr. Gill, to which PSC responded on February 21st, 2000 .

THE APPELLANTS state that they made said Notice of Appeal in good faith and with the understanding that after the PSC's final action on this

matter, namely PSC Order No. PSC-00-0370-FOF-SU, they are to be granted 30 days in which to file a Notice of Appeal to the appropriate Court along with the filing fee, which they have done.

A copy of the PSC's Order No PSC-99-2444-AS-SU was sent to the

DOCUMENT NUMBER-DATE

03678 MAR 23 8

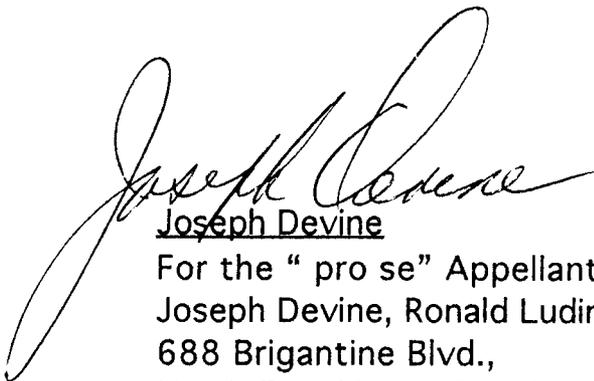
FD-36-RECORDS/REPORTING

MPA
APD
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court with the Notice of Appeal; however the appellants inadvertently neglected to file a copy of the PSC Order No. PSC-00-0370-FOF-SU which was the PSC's final action on this matter and which would have made the Honourable Court more aware of the proper time for filing.

Find attached a copy of said PSC Order No. PSC-00-0370-FOF-SU .

The Appellants trust this meets with the Court's approval.

A handwritten signature in cursive script, appearing to read 'Joseph Devine', written in black ink.

Joseph Devine

For the " pro se" Appellants
Joseph Devine, Ronald Ludington, and Donald Gill,
688 Brigantine Blvd.,
North Fort Myers, FL 33917
Ph. 941-997-4129

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Response To Order Of The Court was mailed by first class US Mail on the 22nd day of March, 2000

to:

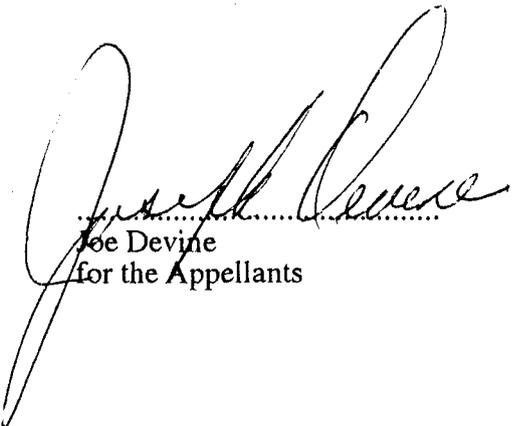
*Jon Wheeler, Clerk, 1st District Court of Appeals, 301 Martin Luther King Blvd., Tallahassee, FL 32399-1850

Director, Division of Records and Recordings, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-8050,

Martin Friedman, Esq., 2548 Blairstone Pines Drive, Tallahassee FL 32301

John Shreve, Esq., Office of Public Counsel, 111 West Madison Street, Tallahassee, FL 32301-1906

* with attachment --PSC Order No. PSC-00-0370-FOF-SU


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Joe Devine
for the Appellants