

SUZANNE BROWNLESS, P. A.
ATTORNEY AT LAW
1311-B Paul Russell Road, Suite 201
Tallahassee, Florida 32301

ORIGINAL

ADMINISTRATIVE LAW
GOVERNMENTAL LAW
PUBLIC UTILITY LAW

TELEPHONE (850) 877-5200
TELECOPIER (850) 878-0090

May 12, 2000

RECEIVED-FPSC
00 JUN 2 PM 4:07
RECORDS AND REPORTING
BY HAND DELIVERY

Blanca Bayo
Director, Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Docket No. 990696-WS
In re: Application for original certificates to operate water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation.

Docket No. 992040-WS
In re: Application for certificates to operate water and wastewater utility in Duval and St. Johns Counties by Intercoastal Utilities, Inc.

Dear Ms. Bayo:

Enclosed for filing are the original and fifteen copies of St. Johns County, Florida's Notice of Withdrawal of Res Judicata and Collateral Estoppel Arguments raised in Motion to Dismiss.

Please stamp a copy and return to us for our files. If you should have any questions please contact me at 850-877-5200.

- APP _____
- CAF _____
- CMP _____
- COM 5 _____
- CTR _____
- ECR _____
- LEG 2 _____
- OPC _____
- PAI _____
- RG0 Rederman _____
- SEC _____
- SER _____
- OTH _____

RECEIVED & FILED
Monte Rederi
FPSC-BUREAU OF RECORDS

Very truly yours,

Suzanne Brownless

Suzanne Brownless
Attorney for St. Johns County

DOCUMENT NUMBER-DATE

07183 JUN 12 8

FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application for original certificates to operate water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation.

DOCKET NO. 990696-WS

IN RE: Application for certificates to operate water and wastewater utility in Duval and St. Johns Counties by Intercoastal Utilities, Inc.

DOCKET NO. 992040-WS

ST. JOHNS COUNTY, FLORIDA'S NOTICE OF WITHDRAWAL OF RES JUDICATA AND COLLATERAL ESTOPPEL ARGUMENTS RAISED IN MOTION TO DISMISS

St. Johns County, Florida, (St. Johns County) hereby gives notice of the withdrawal of the res judicata and collateral estoppel arguments raised in the Motion to Dismiss filed by St. Johns County on January 26, 2000. The withdrawal of this portion of St. Johns County's Motion to Dismiss is without prejudice to St. Johns County's right to raise the issues of res judicata and/or collateral estoppel in this docket via other procedural means. St. Johns County's Motion to Dismiss based on the Florida Public Service Commission's lack of subject matter jurisdiction over this docket has not been withdrawn.

RESPECTFULLY SUBMITTED this 12th day of June, 2000.

Suzanne Brownless, Esq. 1311-B Paul Russell Road Suite 201 Tallahassee, Florida 32301 Phone: (850) 877-5200 FAX: (850) 878-0090 Attorney for St. Johns County, Florida

RECEIVED-FPSC 00 JUN 12 PM 1:07 RECORDS AND REPORTING

DOCUMENT NUMBER-DATE

07183 JUN 12 8

803

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided by U.S. Mail or (*) Hand Delivery this _____ day of June, 2000 to the following persons:

John L. Wharton, Esq.
Rose, Sundstrom & Bentley, LLP
2548 Blaiirstone Pines Drive
Tallahassee, Florida 32301

*Samantha Cibula, Esq.
FPSC Legal Division
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Michael B. Wedner, Esq.
St. James Bldg., Suite 480
117 West Duval Street
Jacksonville, FL 32202

Collier County
Thomas C. Palmer, Esq.
County Attorney's Office
3301 Tamiami Trail East
Bldg. F
Naples, FL 34112-4961

Sarasota County
Kathleen Schneider, Esq.
1660 Ringling Blvd., 2d Floor
Sarasota, FL 34236

Richard Melson, Esq.
Hopping Law Firm
P.O. Box 6526
Tallahassee, FL 32314-6526

Kenneth Hoffman, Esq.
J. Stephen Menton, Esq.
Rutledge Law Firm
P.O. Box 551
Tallahassee, FL 32302

Michael J. Korn, Esq.
Korn & Zehmer
6620 Southpoint Drive South
Suite 200
Jacksonville, FL 32216

Hillsborough County Board
Commissioners
Chief Asst. County Attorney
Donald R. Odom, Esq.
P.O. Box 1110
Tampa, FL 33601

Michael Twomey, Esq.
P.O. Box 5256
Tallahassee, FL 32314-
5256


Suzanne Brownless, Esq.

c:3140