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August 1, 2000

VIA HAND DELIVERY

Blanca S. Bayo
Director, Division of Records & Reporting
Florida Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: In Re: Complaint and petition by Lee County Electric Cooperative, Inc. for an investigation of the rate structure of Seminole Electric Cooperative, Inc., Docket No. 981827-EC

Dear Ms. Bayo:

Enclosed for filing are the original and fifteen (15) copies of Lee County Electric Cooperative, Inc.'s and Seminole Electric Cooperative, Inc.'s Joint Motion to Continue Hearing and for Final Order Addressing Jurisdictional Issue. A diskette containing the filing in Wordperfect format accompanies this filing.

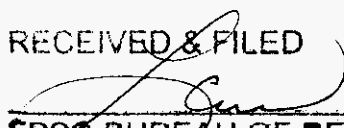
For our records, please acknowledge your receipt of this filing on the enclosed copy of this letter. Thank you for your consideration.

Sincerely,

HOLLAND & KNIGHT LLP

D. Bruce May
D. Bruce May

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DOCUMENT NUMBER-DATE
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 FPSC-RECORDS/REPORTING

Blanca Bayo
August 1, 2000
Page 2

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Enclosures

cc: William Cochran Keating
David Wheeler
Parties of Record

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint and petition by)	
Lee County Electric Cooperative, Inc.)	Docket No. 981827-EC
For an investigation of the rate structure)	
of Seminole Electric Cooperative, Inc.)	Filed: August 1, 2000
	/	

JOINT MOTION TO CONTINUE HEARING AND FOR FINAL ORDER ADDRESSING JURISDICTIONAL ISSUE

Seminole Electric Cooperative, Inc. ("Seminole") and Lee County Electric Cooperative, Inc. ("LCEC") jointly request that: (1) discovery and the hearing in this docket be continued until further notice from the parties; and (2) as soon as practicable, the panel assigned to this docket address in a final order the outstanding legal issue of whether the Commission has jurisdiction over Seminole's wholesale rate structure. In support of this joint motion, Seminole and LCEC state:

1. LCEC initiated this proceeding on December 9, 1998 when it filed its Complaint and Petition for an Investigation of the Rate Structure of Seminole Electric Cooperative, Inc. (the "Complaint and Petition") challenging the rate structure of Seminole's Rate Schedule SECI-7.

2. On January 4, 1999 Seminole filed a Motion to Dismiss for Lack of Jurisdiction (the "Motion to Dismiss") arguing that the Commission does not have jurisdiction over Seminole's rate structure.

3. On January 19, 1999, LCEC filed a Memorandum in Opposition to Seminole's Motion to Dismiss.

4. On February 16, 1999, after a thorough briefing of the jurisdictional issues, the Commission heard oral argument on Seminole's Motion to Dismiss.

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Thereafter, the parties attempted to mediate a resolution through a FPSC staff mediator. The staff conducted a mediation session on July 13, 1999. However, no resolution was reached by mediation.

5. On November 16, 1999, the Commission again heard oral argument on the jurisdictional issue raised by Seminole's Motion to Dismiss. At that agenda conference, Commissioners Garcia and Jacobs voted to deny Seminole's Motion to Dismiss. Commissioners Deason and Clark voted to grant Seminole's Motion to Dismiss. As a result of the voting deadlock, Seminole's Motion to Dismiss failed for lack of support from the majority of the Commission.

6. The case-in-chief has proceeded forward toward hearing. The parties have engaged in discovery, filed prefiled testimony, and filed prehearing statements. Depositions of the parties' witnesses are scheduled for August 7, 8 and 9, 2000. The final hearing in this matter is scheduled for August 25, 2000.

7. During the pendency of this proceeding, Seminole modified its wholesale rate structure in a fashion that addressed some, but not all, of LCEC's rate structure complaints. Seminole's current wholesale rate is set forth in Rate Schedule SECI-7b.

8. LCEC acknowledges that Rate Schedule SECI-7b is an improvement over Rate Schedule SECI-7. However, LCEC contends, and Seminole denies, that Rate Schedule SECI-7b continues to be structurally flawed. Moreover, the parties disagree as to whether the Commission has jurisdiction to address Seminole's rate structure. Indeed, Stipulated Issue No. 1 in this docket is:

Does the Commission have jurisdiction over the subject matter of Lee County Electric Cooperative's Complaint and Petition?

9. Because jurisdiction continues to be a threshold issue in this proceeding, the parties now have agreed to seek a stay of discovery and a continuance of the final hearing until the panel has issued a final order addressing Stipulated Issue No. 1 and all appeals of that order have been exhausted.

10. In order to avoid unnecessary legal expense, Seminole and LCEC respectfully request that the panel assigned to this docket decide the above jurisdictional issue based on the pleadings and record that has already been filed and established in this docket. The parties respectfully submit that the jurisdictional issue has been thoroughly briefed and orally argued on two prior occasions, and that there is an ample record in this docket upon which the panel can base its determination of jurisdiction. Although Seminole and LCEC submit that the jurisdictional issue can be determined based on the written record developed to date, including the transcripts of the two prior oral arguments, the parties are willing to orally argue the jurisdictional issue again if further argument would assist the Commissioners who have not yet heard the case.

11. If it is determined by a final non-appealable order that the Commission has jurisdiction over the subject matter of LCEC's Complaint and Petition, the parties have agreed that LCEC and Seminole will attempt to resolve any outstanding rate structure issues prior to moving forward with discovery and the hearing in this docket.

WHEREFORE, Seminole and LCEC respectfully request that:

(a) the hearing and all discovery in this proceeding be stayed until further notice from the parties;

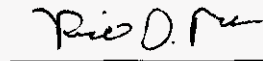
(b) the panel assigned to this docket, based on the existing pleadings and record in this proceeding, address and enter a final order addressing whether the Commission has subject matter jurisdiction over LCEC's Complaint and Petition; and,

(c) grant such other relief as the Commission deems appropriate.

Respectfully submitted,


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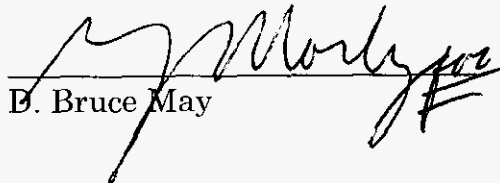
**Attorneys for Lee County
Electric Cooperative, Inc.**


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**Attorneys for Seminole Electric
Cooperative, Inc.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by hand delivery to William Cochran Keating and David Wheeler, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; and by United States Mail to Robert A. Mora, Allen Law Firm, Post Office Box 2111, Tampa, Florida 33601; and Timothy Woodbury, Seminole Electric Cooperative, Inc., Post Office Box 272000, Tampa, Florida 33688-2000 all on this 1st day of August, 2000.


B. Bruce May

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