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

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COMMISSION
CLERK

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

LEE COUNTY, FLORIDA,

Appellant,

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.

CMP _____ /

COM _____

CTR _____ Opinion filed December 2, 2004.

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

GCL _____

OPC _____ James G. Yaeger, Lee County Attorney; and David M. Owen, Chief Assistant

MMS _____ County Attorney, Ft. Myers; Robert Scheffel Wright and John Thomas LaVia, III,

RCA _____ of Landers & Parsons, P.A., Tallahassee, for Appellant.

SCR _____

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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.

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