

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

SEMINOLE ELECTRIC COOPERATIVE, INC.,

SEP 17 2007

Appellant,

v.

Appellate Case No. 5D07-3009
DOAH Case No. 06-0929EPP
DEP/OGC Case No. 06-0316

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Appellee.

DATE: September 15, 2007

MEDIATION QUESTIONNAIRE*

This questionnaire is sent to obtain information for the Court's use in determining whether this case is appropriate for appellate mediation. Pursuant to administrative order, copy enclosed, **each party is ordered to file a completed questionnaire with Penny H. Cooper, Court Mediation Coordinator, Fifth District Court of Appeal, 300 S. Beach St., Daytona Beach, FL 32114, within ten (10) days of the date of the Court's acknowledgment of the notice of appeal with a copy served on opposing counsel (except for the Confidential Statement Regarding Appropriateness of Appellate Mediation, which is only to be filed with the Mediation Coordinator of the court).**

***FAILURE TO RETURN QUESTIONNAIRE AND
CONFIDENTIAL STATEMENT MAY RESULT IN
SANCTIONS***

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NATURE OF THE CASE

<input type="checkbox"/> Business Tort	<input type="checkbox"/> Contract
<input type="checkbox"/> Employment	<input type="checkbox"/> Family matter (with children issues)
<input type="checkbox"/> Insurance	<input type="checkbox"/> Family matter (without children issues)
<input type="checkbox"/> Real Estate	<input type="checkbox"/> Personal injury/wrongful death
<input checked="" type="checkbox"/> Other <u>Administrative proceeding under Power Plant Siting Act, Chapter 403, Part II, F.S.</u>	

ISSUES ON APPEAL (To be completed by Appellants/Cross-Appellants only):

Describe each expected issue on appeal as now known and the standard of review which will be applicable to each issue (completion of the questionnaire will not limit issues which may be raised in the briefs).

Appellee exceeded its authority in denying approval of site certification (permit) for Appellant's electrical power plant. Appellee failed to enforce stipulation of parties that there were no disputed issues of law or fact preventing final approval of the project. Standard of review: de novo.

MEDIATION

Was the case mediated at the trial level? Yes _____ No x

Has the case been mediated since entry of the order appealed? Yes ___ No x


- NOTICE -

You are hereby given an extension to file your directions to the clerk and court reporter, upon your receipt of this form. If appellate mediation is ordered in this case, you will be given an automatic extension of the deadlines for preparation of the transcript, preparation of the record and filing of briefs, **said time to run from the date of the notification from the Court that mediation is ordered until 10 days after mediation has concluded.** [Mediation session has concluded with either an impasse or full or partial settlement]. The court will send an Order Declining Referral To Mediation if mediation is not ordered in this case.

(It is the intention of the Court that the mediation process will not substantially slow down the appellate process. However, the above extensions will give the parties the opportunity to save the costs of the record and brief preparation, if mediation is successful. Accordingly, additional extensions of deadlines pending mediation will normally not be granted absent stipulation of the parties and court order).

September 14, 2007

Date:



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing have been furnished to the following by U.S. Mail on this 14th day of September, 2007:

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A handwritten signature in cursive script, appearing to read "Michael P. Howard".

Attorney