

**Sharla Dillon - Re: Docket 07-00201**

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**From:** Gary Hotvedt  
**To:** Hollin, Jamie; Smith, Mark; Walker, Henry  
**Date:** 2/6/2008 4:46 PM  
**Subject:** Re: Docket 07-00201  
**CC:** Collier, Richard; Dillon, Sharla

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**To parties of record and to be filed in Docket No. 07-00201:**

Gentlemen:

In response to the below email and the subsequent letter filed in this docket on February 6, 2008, please review the two paragraphs in the middle of page 3 of my Order Resolving Objections to Discovery Requests of January 11, 2008. I found that "JEA is not an ILEC", "that Title 7 imposes sufficient additional requirements on municipal electrics to assure a fair and competitive market", and "that JEA should be held to the standards imposed on CLECs to obtain a CCN". I then granted "interlocutory appeal of the discreet decision concerning the standard to which a municipal electric should be held". I did not grant interlocutory appeal of the individual decisions concerning discovery, but stated that if an interlocutory appeal is successful, upon remand I would conform individual discovery decisions to the ruling of the Authority.

If I was to state a succinct "certified question", I would use paragraph 3 of the ordering clauses on page 6 of the Order: "Permission is hereby granted for an interlocutory appeal of this Hearing Officer's determination that a municipal electric such as JEA is not an ILEC, and therefore JEA should be held to the same standard as a typical CLEC when applying for a CCN, subject to any additional conditions imposed on municipal electrics by Title 7."

As such, you should limit your briefs to that question/issue, which will make staggered briefs unnecessary, and any such responses or rebuttals can be raised during oral argument before the panel.

I trust my ruling is clear on this matter. The Authority looks forward to reviewing your briefs. Thank you.

Gary Hotvedt, Hearing Officer

>>> "Walker, Henry" <hwalker@boultcummings.com> 2/6/2008 4:02 PM >>>

Gary, I have received your proposed briefing schedule for the interlocutory appeal in the JEA certificate docket. Since Aeneas is the party filing the appeal and intends to challenge only some, but not all, of your rulings in its appeal to the Authority, it would might well be better to schedule staggered briefs (have Aeneas file first and then have JEA file a response) rather than simultaneous filings. I am sending this in an email in order to get it to you as soon as possible but will also follow up with a written request.

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