

DISTRICT COURT OF APPEAL, FIRST DISTRICT
301 S. Martin Luther King, Jr. Blvd.
Tallahassee, Florida 32399-1850
Telephone No. (850) 488-6151

September 9, 2009

CASE NO.: 1D08-4881

L.T. No. : PSD-FL-375

Sierra Club, Inc.

v.

State Of Florida
Department Etc. Et Al.

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

Appellee, Seminole Electric Cooperative, Inc.'s motion to dismiss, filed October 21, 2008, is granted. Appellant, Sierra Club failed to secure party status in the agency action below and therefore lacks standing. §§ 120.52(13) & 403.815, Fla.Stat.; Fla. Admin. Code R. 62-110.106(12). See Legal Environmental Assistance Foundation, Inc. v. Florida Department of Community Affairs, 668 So. 2d 982 (Fla. 1996), O'Connell v. Florida Department of Community Affairs, 874 So. 2d 673 (Fla. 4th DCA 2004).

The oral argument scheduled for September 15, 2009 is hereby cancelled.

This appeal is hereby DISMISSED.

BROWNING, ROBERTS and CLARK, JJ., concur.

I HEREBY CERTIFY that the foregoing is (a true copy of) the original court order.

Served:

Lee Crandall, Clerk
Alisa A. Coe
Robert A. Manning
Gary V. Perko
George Cavros

Kristin Henry
Craig Holt Segall
David W. Childs
James S. Alves

David G. Guest
Joanne Spalding
Jack Chisolm, D.G.C.
Patricia E. Comer, A.G.C.

kr

Jon S. Wheeler

JOHN S. WHEELER, CLERK

