

Supreme Court of Florida

No. 64,680

CITIZENS OF THE STATE OF
FLORIDA, Petitioner,

vs.

FLORIDA PUBLIC SERVICE COMMISSION,
JACKSONVILLE SUBURBAN UTILITIES
CORPORATION and SOUTHERN UTILITIES
COMPANY, Respondents.

[January 10, 1985]

ALDERMAN, J.

We originally accepted jurisdiction in this cause, reported below as Citizens v. Florida Public Service Commission, 440 So.2d 371 (Fla. 1st DCA 1983), on the basis of conflict with Citizens v. Hawkins, 364 So.2d 723 (Fla. 1978). After hearing oral argument, however, we find no express and direct conflict between these cases and, consequently, no basis for this Court to accept jurisdiction in this cause. The petition for review is denied. No motion for rehearing will be entertained by the Court.

It is so ordered.

BOYD, C.J., OVERTON, McDONALD, EHRLICH and SHAW, JJ., Concur
ADKINS, J., Dissents

Application for Review of the Decision of the District Court
of Appeal - Direct Conflict of Decisions

First District - Case No. AE-103

Jack Shreve, Public Counsel and Stephen Burgess, Associate
Public Counsel, Office of the Public Counsel, Tallahassee, Florida;
and Alan C. Sundberg of Carlton, Fields, Ward, Emmanuel, Smith
& Cutler, Tallahassee, Florida,

for Petitioner

William S. Bilenky, General Counsel, Susan F. Clark, Deputy
General Counsel and William H. Harrold, Associate General Counsel,
Florida Public Service Commission, Tallahassee, Florida; and
James L. Ade, William A. Van Nortwick, Jr. and Michael A. Candeto
of Martin, Ade, Birchfield & Johnson, Jacksonville, Florida, for
Jacksonville Suburban Utilities Corporation and Southern Utilities
Company,

Respondents