

Supreme Court of Florida

Nos. 64,928 & 65,200

CITIZENS OF THE STATE OF FLORIDA,
Appellants,

vs.

PUBLIC SERVICE COMMISSION, et al.,
Appellees.

[February 28, 1985]

OVERTON, J.

In this appeal, the Citizens of the State of Florida seek review of a Public Service Commission order relating to the treatment of profits made by utilities in economy energy sales. We have jurisdiction. Art. V, § 3(b)(2), Fla. Const. Economy energy sales occur when utilities purchase energy from other utilities that can generate the energy at lower cost. The commission's order revised the procedure and method for considering the profits obtained through these sales. According to the order, the purpose of the new procedure is to provide utilities with an incentive to maximize economy energy sales and thereby "provide a net benefit to the ratepayer." The citizens contend the incentive procedure is unnecessary and the evidence is insufficient to support the change adopted by the commission.

As we have repeatedly stated, we will not reweigh or reevaluate the evidence presented to the commission, but will examine the record only to determine whether the order complained

of meets the essential requirements of law and whether the agency had available to it competent substantial evidence to support its findings. See Polk County v. Florida Public Service Commission, 460 So. 2d 370 (Fla. 1984); General Telephone Co. v. Carter, 115 So. 2d 554 (Fla. 1959). We find that the commission clearly had substantial competent evidence to support its order. Accordingly, the order of the commission is affirmed.

It is so ordered.

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

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF
FILED, DETERMINED.

Two Consolidated Appeals from the Public Service Commission

Jack Shreve, Public Counsel and Stephen Fogel, Associate Public Counsel, Tallahassee, Florida,

for Appellants

William S. Bilenky, General Counsel, and William H. Harrold and Robert Vandiver, Associate General Counsels, Tallahassee, Florida, for Florida Public Service Commission; Richard W. Neiser, Albert H. Stephens and James A. McGee, Office of the General Counsel, St. Petersburg, Florida, for Florida Power Corporation; Charles A. Guyton of Steel, Hector and Davis, Tallahassee, Florida, for Florida Power & Light Company; G. Edison Holland, Jr. and Ralph A. Peterson of Beggs and Lane, Pensacola, Florida, for Gulf Power Company; and Lee L. Willis and James D. Beasley of Ausley, McMullen, McGehee, Carothers and Proctor, Tallahassee, Florida, for Tampa Electric Company,

Appellees