

# Supreme Court of Florida

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No. 70,703

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METROPOLITAN DADE COUNTY, et al., Appellants,

vs.

KATIE NICHOLS, et al., Appellees.

[January 7, 1988]

PER CURIAM.

We review Public Service Commission (PSC) Order No. 17273, issued March 11, 1987. Art. V, § 3(b)(2), Fla. Const.; § 350.128, Fla. Stat. (1985).

In the order under appeal, PSC approved a request from Florida Power and Light Company (FPL) to establish a new and reduced rate which FPL would pay to qualified facilities for electric power cogenerated on an as available basis. Appellants argue that the expert witness on whose testimony the PSC relied was not expert in all areas of his testimony and that this hearsay testimony was not supported by other evidence. We disagree. The record reflects that the witness was personally involved in the FPL study and possessed the necessary expertise to enable him to testify as to the methodology used in evaluating the study. Moreover, we disagree with appellants assertion that the witness's testimony was not supported by other competent evidence. We affirm the order.

It is so ordered.

McDONALD, C.J., and OVERTON, EHRLICH, SHAW, BARKETT, GRIMES  
and KOGAN, JJ., Concur

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

An Appeal from the Public Service Commission

Robert A. Ginsburg, Dade County Attorney and Michael D. Goodstein, Assistant County Attorney, Miami, Florida, for Metropolitan Dade County; and Paul Sexton of Richard A. Zambo, P.A., Tallahassee, Florida, and Richard A. Zambo of Richard A. Zambo, P.A., Brandon, Florida, for Industrial Cogenerators,

Appellants

William S. Bilenky, General Counsel, Tallahassee, Florida, for Florida Public Service Commission; and Matthew M. Childs, P.A. and Charles A. Guyton of Steel, Hector & Davis, Tallahassee, Florida, for Florida Power & Light Company,

Appellees