

Supreme Court of Florida

No. 75,597

CITIZENS OF THE STATE OF
FLORIDA, Appellants,

vs.

MICHAEL McK. WILSON, etc.,
et al., Appellees.

[November 8, 1990]

PER CURIAM.

We review an order of the Florida Public Service Commission (Commission) relating to the rates of a utility providing electric service. We have jurisdiction under article V, section 3(b)(2) of the Florida Constitution.

In Citizens of the State of Florida v. Wilson, No. 75,074 (Fla. Sept. 27, 1990), we affirmed an order of the Commission

rejecting a claim of the Office of Public Counsel (OPC) that the Commission erroneously permitted a supplemental service rider tariff for interruptible customers filed by Tampa Electric Company (TECO) to go into effect without providing the OPC with a hearing. The instant case involves a petition by TECO to approve a one-year extension of the previous supplemental service rider tariff for interruptible customers. The Commission approved the one-year extension under circumstances similar to the approval of the original tariff except that the OPC was permitted to register its objection to the extension at a Commission agenda conference.

Upon the authority of Wilson, we affirm the order of the Commission.

It is so ordered.

SHAW, C.J., and OVERTON, McDONALD, EHRLICH, 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

Jack Shreve, Public Counsel and John Roger Howe, Assistant Public Counsel, Office of Public Counsel, Tallahassee, Florida,

for Appellants

Susan F. Clark, General Counsel and David E. Smith, Director of Appeals, Florida Public Service Commission, Tallahassee, Florida; and Lee L. Willis and James D. Beasley of Ausley, McMullen, McGehee, Carothers and Proctor, Tallahassee, Florida, on behalf of Tampa Electric Company,

for Appellees

John W. McWhirter, Jr. and Vicki Gordon Kaufman of Lawson, McWhirter, Grandoff and Reeves, Tallahassee, Florida,

Amicus Curiae for the Florida Industrial Power Users Group