

ORIGINAL

# Supreme Court of Florida

OFFICE OF THE CLERK

MONDAY, MARCH 27, 2006

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CASE NO.: SC06-331

COMMISSION

Lower Tribunal Nos.: 3D05-2630, ERK

040208-EI

LETICIA CALLARD, ET AL.

vs.

BRAULIO L. BAEZ, ETC.,  
ET AL.

Appellant(s)

Appellee(s)

This appeal from a final order of the Public Service Commission ("PSC") was originally filed in the Third District Court of Appeal, which transferred the appeal to this Court based on a PSC motion citing certain statutes, but no caselaw. See § 350.128(1), Fla. Stat. (2005) (providing in pertinent part that, under art. V, § 3(b)(2), Fla. Const., this Court shall review any action of the PSC "relating to rates or service," but that the First District Court of Appeal shall review "any other action" of the PSC); see also §§ 120.68, 366.02 & 366.10, Fla. Stat. (2005) (also cited in the PSC's motion).

As a threshold jurisdictional matter, this Court questions whether the appeal of the PSC final order at issue (which involves an electric utility's back-billing of a single customer) is properly before this this Court or should instead be transferred to the First District Court of Appeal--i.e., whether the order more "relate[s] to rates or service" or amounts to "any other action," respectively. Appellees are thus ordered to show cause by April 11, 2006, with specific reference to pertinent

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COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL \_\_\_\_\_  
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RCA \_\_\_\_\_  
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SEC 1  
JTH Lockard

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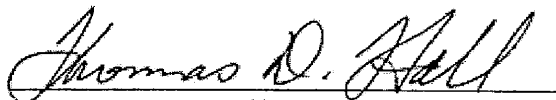
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caselaw and other authorities construing the constitutional and statutory provisions at issue, why this Court should not transfer the present appeal to the First District Court of Appeal. Appellant Callard may file a reply on or before April 21, 2006.

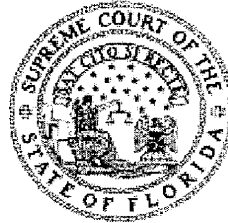
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Thomas D. Hall

Clerk, Supreme Court



bhp

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