



# Public Service Commission

## -M-E-M-O-R-A-N-D-U-M-

**DATE:** JULY 21, 1997

**TO:** JULIA L. JOHNSON, CHAIRMAN  
 SUSAN F. CLARK, COMMISSIONER  
 J. TERRY DEASON, COMMISSIONER  
 DIANE K. KIESLING, COMMISSIONER  
 JOE GARCIA, COMMISSIONER  
 BILL TALBOTT, EXECUTIVE DIRECTOR  
 MARY A. BANE, DEPUTY EXECUTIVE DIRECTOR/TECH.  
 JAMES A. WARD, DEPUTY EXECUTIVE DIRECTOR/ADM.  
 JOE JENKINS, DIRECTOR OF ELECTRIC AND GAS  
 ROB VANDIVER, GENERAL COUNSEL  
 DAVID SMITH, DIRECTOR OF APPEALS  
 NOREEN DAVIS, DIRECTOR OF LEGAL SERVICES

**FROM:** MARY ANNE HELTON, ASSOCIATE GENERAL COUNSEL *MAH*

**RE:** CHARLIE CRIST, JR., V. JULIA L. JOHNSON, FLORIDA SUPREME COURT  
 CASE NO. 90,346, COMMISSION DOCKET NO. 970001-EI

By order dated July 17, 1997, the Florida Supreme Court granted the Commission and Florida Power Corporation's motions to dismiss Christ's appeal of Order No. PSC-97-0359-FOF-EI. The Commission had argued that Crist lacked standing to appeal since he was not a party to the Commission proceeding and the order appealed did not constitute final agency action. In addition, the Commission argued Crist could not show that he was adversely affected to an irreparable extent that would allow review of non-final agency action; rather, the replacement fuel costs were being held subject to refund and an adequate remedy would be available to him after the Commission's final order was entered in the nuclear spin-off docket, Docket No. 970261-EI, if he intervened in the separate proceeding.

Because Crist's response to the Commission and FPC's motions to dismiss was untimely, the Commission moved to strike his memorandum in opposition to the motions to dismiss. The Commission's motion to strike was denied.

A copy of the order is attached.

**cc:** All Attorneys  
 All Directors

attachment

DOCUMENT NUMBER-DATE

07665 JUL 29 97

FPSC-RECORDS/REPORTING

- ACK \_\_\_\_\_
- AGA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
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- SEC \_\_\_\_\_
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

# Supreme Court of Florida

THURSDAY, JULY 17, 1997

CHARLIE CRIST, JR.,

Appellant,

v.

JULIA L. JOHNSON, etc.,  
et al,

Appellees.

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CASE NO. 90,346

RECORDED  
JUL 21 1997  
LEGAL DIVISION

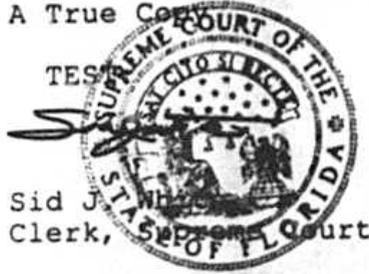
Appellees', Florida Power Corporation and Florida Public Service Commission, Motion To Dismiss filed in the above cause is granted and the Notice Of Petition For Review Of Order #PSC-97-0359-FOF-EI is dismissed.

The Florida Public Service Commission's Motion To Strike Appellant's Memorandum In Opposition To Respondents' Motion To Dismiss is denied.

KOGAN, C.J., and OVERTON, SHAW, GRIMES, HARDING, WELLS and ANSTEAD, JJ., Concur.

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

A True Copy



Sid J. ...  
Clerk,

bdm

- cc: Hon. Blanca S. Bayo'
- Ms. Kay Flynn
- Mr. Charlie Crist, Jr.
- Mr. James A. McGee
- Ms. Mary Anne Helton
- Ms. Vicki Johnson
- Mr. Robert Elias
- Mr. Leslie Paugh
- Ms. Susanne Brownless
- Mr. Jack Shreve
- Mr. John R. Howe
- Mr. William B. Willingham
- Mr. Joseph A. McGlothlin
- Ms. Vicki Gordon Kaufman
- Mr. Jeffrey A. Stone
- Mr. Matthew M. Childs
- Ms. Sylvia H. Walbolt
- Mr. James P. Fama
- Mr. J. Emory Wood
- Mr. Robert D. Vandiver

cc: Mr. Russell A. Badders  
Mr. Lee L. Willis  
Mr. James D. Beasley  
Ms. Monte Belote