

Supreme Court of Florida ORIGINAL

WEDNESDAY, MARCH 3, 2004

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CORRECTED ORDER 04 MAR 17 AM 9:52

CASE NO.: SC04-9

Lower Tribunal Nos.: 030867-TL, COMMISSION
030868-TL, CLERK
030869-TL,
030961-TL

CHARLES J. CRIST, JR., ETC.

vs. LILA A. JABER, ETC.,
ET AL.

Appellant(s)

Appellee(s)

On January 7, 2004, a notice of appeal in the above case was filed by the Appellant. Pursuant to Florida Rule of Appellate Procedure 9.310(b)(2), the filing of this notice served to automatically stay the effect of a December 24, 2003, order entered by the Florida Public Service Commission ("PSC"), which is the subject of the appeal before this Court. Subsequently, both the Appellant and another party to the proceedings below, AARP, filed in this Court separate motions to relinquish jurisdiction to the PSC for the limited purpose of obtaining rulings on their motions for reconsideration that were filed with the PSC on January 8, 2004. Having considered the motions for relinquishment and responses thereto, the Court hereby grants the motions for relinquishment and relinquishes jurisdiction to the PSC for the specific purpose of ruling on the January 8, 2004, motions for reconsideration. See Fla. R. App. P. 9.600(b). By relinquishing jurisdiction, the Court makes no determination or comment as to the merits of the arguments presented in the motions for reconsideration. The PSC shall rule on these motions on or before May 3, 2004. The Court defers ruling on the issue of consolidating this case with McLean v. Jaber, SC04-10, until after the relinquishment period has concluded and this Court resumes jurisdiction in this proceeding.

Both motions also contain arguments regarding the automatic stay of the PSC's December 24, 2003, order. The Court finds consideration of the continuance of the automatic stay to be premature and not ripe for review. As no party has challenged the automatic stay with the PSC, the stay remains in effect.

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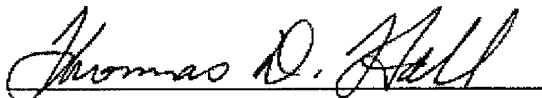
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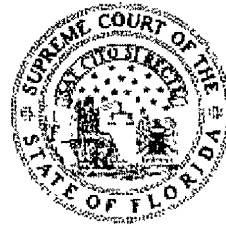
AARP also argues in favor of a separate stay, independent of the automatic stay. To the extent that AARP's Motion to "Relinquish Jurisdiction, But Maintain Stay" contains an argument in favor of an independent basis for stay, the motion is hereby denied without prejudice to AARP's filing of a motion for stay with the PSC.

A True Copy

Test:



Thomas D. Hall
Clerk, Supreme Court



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