

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

DATE: September 27, 2021

TO: Adam J. Teitzman, Commission Clerk, Office of Commission Clerk

FROM: Bianca Lherisson, Senior Attorney, Office of the General Counsel *BYL*

RE: Docket No. 20190168-WS - Application for water and wastewater service in Duval, Baker, and Nassau Counties, by First Coast Regional Utilities, Inc.

Please place the attached Opinion issued by the First District Court of Appeal in the above referenced docket file.

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D21-579

JEA,

Petitioner,

v.

FIRST COAST REGIONAL
UTILITIES, INC.,

Respondent.

Petition for Writ of Prohibition—Original Jurisdiction.

September 22, 2021

PER CURIAM.

JEA petitions this court for the entry of a writ prohibiting the Florida Public Service Commission from exercising authority reserved to the judiciary. But Petitioners are premature in anticipating that the PSC will carry out its statutory responsibilities in a manner that exceeds its jurisdiction. *Cf. S. Fla. Cargo Carriers Ass'n, Inc. v. State Bd. of Pilot Comm'rs*, 627 So. 2d 597, 598–99 (Fla. 1st DCA 1993). Because section 367.045, Florida Statutes, gives the PSC authority to decide certificate of authorization applications, taking account of objections filed by municipalities, local comprehensive plans, and existing systems, we deny the petition.

DENIED.

B.L. THOMAS, OSTERHAUS, and M.K. THOMAS, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Susan Clark, Tom Crabb, and Laura Dennis of Radey Law Firm, Tallahassee, for Petitioner.

William E. Sundstrom and Robert C. Brannan of Sundstrom & Mindlin, LLP, Tallahassee; John L. Wharton of Dean Mead & Dunbar, Tallahassee, for Respondent.

Samantha M. Cibula and Kathryn G.W. Cowdery of the Florida Public Service Commission, Tallahassee.