

Supreme Court of Florida

THURSDAY, SEPTEMBER 28, 2000

CASE NOS.: SC95444; SC95445; SC95446

TAMPA ELECTRIC CO.;
FLORIDA POWER CORP.;
and FLORIDA POWER &
LIGHT CO.,

vs. **JOE GARCIA, et al., as the**
FLORIDA PUBLIC SERVICE
COMMISSION; UTILITIES
COMMISSION, CITY OF NEW
SMYRNA BEACH; and DUKE
ENERGY NEW SMYRNA BEACH
POWER CO., LTD., LLP.,

Petitioner(s)

Respondent(s)

In light of the revised opinion, the Motions for Rehearing filed by Appellees Florida Public Service Commission, Duke Energy New Smyrna Beach Power Co., Ltd., L.L.P., the Utilities Commission, City of New Smyrna Beach, and Legal Environmental Assistance Foundation, are hereby denied.

SHAW, HARDING, PARIENTE, LEWIS and QUINCE, JJ., concur.

ANSTEAD, J., dissents.

WELLS, C.J., recused as of the date of the filing of the Motion for Leave to Appear as Amicus Curiae on Rehearing and Incorporated Motion for Rehearing by Enron North America (“Enron”), and did not participate in the Motion for Rehearing.

The Motion for Leave to Appear as Amicus Curiae on Rehearing filed by Enron North America (“Enron”) is hereby granted.

HARDING, ANSTEAD, PARIENTE and LEWIS, JJ., concur

SHAW and QUINCE, JJ., dissent.

WELLS, C.J., recused as of the date of the filing of the Motion for Leave to Appear as Amicus Curiae on Rehearing and Incorporated Motion for Rehearing by Enron North America (“Enron”), and did not participate in the Motion for Rehearing.

The Motion for Rehearing filed by Amicus Curiae, Enron North America (“Enron”), is hereby denied in light of the revised opinion.

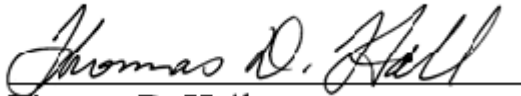
SHAW, HARDING, LEWIS and QUINCE, JJ., concur.

ANSTEAD and PARIENTE, JJ., dissent.

WELLS, C.J., recused as of the date of the filing of the Motion for Leave to Appear as Amicus Curiae on Rehearing and Incorporated Motion for Rehearing by Enron North America (“Enron”), and did not participate in the Motion for Rehearing.

A True Copy

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