

IN THE SUPREME COURT
STATE OF FLORIDA

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CLERK, SUPREME COURT
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SOUTHERN ALLIANCE FOR)
CLEAN ENERGY,)

Appellant,)

v.)

SC Case No.: SC11-2465

PSC Docket No.: 110009-EI

FLORIDA PUBLIC SERVICE)
COMMISSION, FLORIDA POWER)
AND LIGHT COMPANY, and)
PROGRESS ENERGY FLORIDA,)
INC.,)

Appellees.)

NOTICE OF CONSTITUTIONAL QUESTION

NOTICE IS GIVEN that the Southern Alliance for Clean Energy (“SACE”), Appellant, has, on the 21st day of December, 2011, timely filed a Notice of Appeal with the Florida Public Service Commission (“Commission”) and the Florida Supreme Court appealing the Final Order of the Commission, Order No. PSC-11-0547-FOF-EI, rendered the 23rd day of November, 2011. The Notice of Appeal is attached hereto as Exhibit “A.”

NOTICE IS FURTHER GIVEN that as part of said appeal, SACE intends to challenge the constitutionality of § 366.93, Fla. Stat., as the same constitutes an

unconstitutional delegation of legislative authority in violation of Article II, § 3,
Fla. Const.

Respectfully submitted this 27th day of December, 2011.



E. Leon Jacobs, Jr.
Florida Bar No. 0714682
WILLIAMS & JACOBS
2510 Miccosukee Road
Suite 104
Tallahassee, FL 32308
(850) 222-1246

Gary A. Davis
N.C. Bar No. 25976
Admission Requested *Pro Hac Vice*
James S. Whitlock
N.C. Bar No. 34304
Admission Requested *Pro Hac Vice*
GARY A. DAVIS & ASSOCIATES
P.O. Box 649
61 North Andrews Avenue
Hot Springs, N.C. 28743
(828) 622-0044

*Attorneys for Southern Alliance for Clean
Energy*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing *NOTICE OF CONSTITUTIONAL QUESTION* has been served on the following parties by U.S. Mail this 21st day of December, 2011.

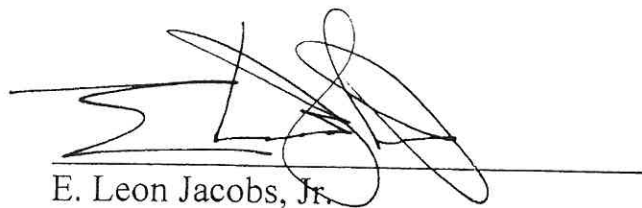
Keino Young
Anna Williams
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

John T. Burnette
Progress Energy Service Co., LLC
PO Box 14042
St. Petersburg, FL 33733-4042

Bryan S. Anderson
Jessica Cano
Florida Power & Light Co.
700 Universe Boulevard
Juno Beach, FL 33408-0420

J. Michael Walls
Blaise N. Gamba
Carlton Fields Law Firm
PO Box 3239
Tampa, FL 33601

Hon. Pam Bondi
Office of Attorney General
State of Florida
The Capitol PL-01
Tallahassee, FL 32399-1050



E. Leon Jacobs, Jr.

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EXHIBIT "A"

NOTICE OF APPEAL CASE NO. SC11-2465