

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Investigation into telephone exchange
boundary issues in Sarasota County.

DOCKET NO. 010787-TL
ORDER NO. PSC-04-0134-FOF-TL
ISSUED: February 10, 2004

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON
LILA A. JABER
CHARLES M. DAVIDSON

ORDER ACKNOWLEDGING VOLUNTARY DISMISSAL OF PETITION

BY THE COMMISSION:

At the May 23, 2001, 941 area code service hearing in Sarasota, Florida, Ms. Janet Rowe Dugan, a Verizon Florida, Inc. (Verizon) customer, testified regarding the relief plan that the Commission should adopt. Ms. Dugan also raised the following concerns about Verizon services: (1) Stoneybrook Golf and Country Club (SGCC) resident customers, including Ms. Dugan, are not listed in the Sarasota directory or Sarasota directory assistance, even though they have a Sarasota postal address; (2) SGCC resident customers' telephone numbers are sometimes disconnected because customer bills are sent to wrong addresses; and (3) SGCC resident customers were advised by Verizon that they live in Osprey, not in Sarasota. This docket was opened to investigate these concerns.

On November 29, 2001, Order No. PSC-01-2326-PAA-TL was issued stating that Verizon had responded to all of the issues raised by Ms. Dugan, and therefore, ordering that the docket be closed.

On December 20, 2001, Ms. Dugan submitted a letter requesting that the docket be reopened because numerous corrections had not been made. Ms. Dugan asked that the docket remain open until the following year's telephone books were published, to assure accuracy. Verizon responded that it did not oppose reopening the docket. Since that time, Verizon, Ms. Dugan, and staff have worked to ensure that the issues identified by Ms. Dugan were resolved to her satisfaction.

On January 2, 2004, Ms. Dugan requested that her petition be dismissed and that the docket be closed.

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The law is clear that the plaintiff's right to take a voluntary dismissal is absolute. Fears v. Lunsford, 314 So.2d 578, 579 (Fla. 1975). It is also established civil law that once a timely voluntary dismissal is taken, the trial court loses its jurisdiction to act. Randle-Eastern Ambulance Service, Inc. v. Vasta, 360 So.2d 68, 69 (Fla. 1978).

Since there are no remaining issues in dispute between the parties in this docket, we acknowledge the petitioner's Notice of Voluntary Dismissal.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Janet Rowe Dugan's Notice of Voluntary Dismissal is hereby acknowledged. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 10th day of February, 2004.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(SEAL)

LHD

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.