

ORIGINAL

LAW OFFICES

ROSE, SUNDSTROM & BENTLEY, LLP

2548 BLAIRSTONE PINES DRIVE
TALLAHASSEE, FLORIDA 32301

(850) 877-6555

FAX (850) 656-4029

www.rsbatorneys.com

REPLY TO ALTAMONTE SPRINGS

CENTRAL FLORIDA OFFICE

600 S. NORTH LAKE BLVD., SUITE 160

ALTAMONTE SPRINGS, FLORIDA 32701

(407) 830-6331

FAX (407) 830-8522

MARTIN S. FRIEDMAN, P.A.

VALERIE L. LORD, OF COUNSEL

(LICENSED IN TEXAS ONLY)

CHRIS H. BENTLEY, P.A.
ROBERT C. BRANNAN
DAVID F. CHESTER
F. MARSHALL DETERDING
JOHN R. JENKINS, P.A.
STEVEN T. MINDLIN, P.A.
DAREN L. SHIPPY
WILLIAM E. SUNDSTROM, P.A.
DIANE D. TREMOR, P.A.
JOHN L. WHARTON
ROBERT M. C. ROSE, OF COUNSEL
WAYNE L. SCHIEFELBEIN, OF COUNSEL

April 7, 2003

Ms. Blanca Bayo
Commission Clerk and Administrative Services Director
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Re: Docket No. 020010-WS; Highvest Corporation's and L.P. Utilities Corporation's
Protest of PAA SARC Order
Our File No.: 37074.01

Dear Ms. Bayo:

Enclosed please find for filing in the above-referenced docket the original and seven (7) copies of Highvest Corporation and L.P. Utilities Corporation's Reply to Response to Withdrawal of Issues.

Very truly yours,



MARTIN S. FRIEDMAN
For the Firm

MSF/dmp
Enclosures

cc: Mr. John Lovelette (w/enclosures)

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DISTRIBUTION CENTER DOCUMENT NUMBER-DATE

03302 APR-98

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for staff-assisted
rate case in Highlands County by
the Woodlands of Lake Placid, L.P.

DOCKET NO.: 020010-WS

REPLY TO RESPONSE TO WITHDRAWAL OF ISSUES

HIGHVEST CORPORATION and L.P. UTILITIES CORPORATION, by and through their undersigned attorneys, file this Reply to the Public Counsel's Response to their Withdrawal of Issues filed March 25, 2003.

The Withdrawal of Issues is tantamount to a voluntary dismissal of those issues, and as such, Highvest Corporation and L.P. Utilities Corporation have an absolute right to do so notwithstanding the Public Counsel's objection thereto. This Commission in In re: Application for Rate Increase in Broward County by Ferncrest Utilities, Inc., Order No. PSC-02-1240-FOF-WS, issued September 9, 2002, acknowledged the right of a party to a voluntary dismissal:

The law is clear that the plaintiffs 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 and cannot revive the original action for any reason. *Randle-Eastern Ambulance Service, Inc. v. Vasta*, 360 So.2d 68, 69 (Fla. 1978).

That right followed clear Commission precedence which has been subsequently followed in Commission Orders relating to other industries. See, PSC Order No. PSC-02-1559-FOF-TP (In re: Complaint of Bell South Telecommunications, Inc.)

WHEREFORE, should the Commission deem it appropriate to take action on Public

DOCUMENT NUMBER DATE


03302 APR -9 8

FPSC-COMMISSION CLERK

Counsel's Response, Highvest Corporation and L.P. Utilities Corporation request this Commission follow its longstanding procedure and acknowledge their right to withdraw certain issues previously raised.

Respectfully submitted on this 7th day of April, 2003, by:

ROSE, SUNDSTROM & BENTLEY, LLP
600 S. North Lake Boulevard, Suite 160
Altamonte Springs, Florida 32701
(407) 830-6331
(407) 830-8522 Fax

By: 
MARTIN S. FRIEDMAN

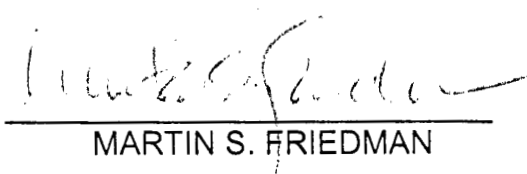
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail this 7th day of April, 2003, to:

Katherine Echternacht, Esquire
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Larry Harris, Esquire
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Stephen C. Burgess, Esquire
Associate Public Counsel
Claude Pepper Building
111 West Madison Street, Room 812
Tallahassee, Florida 32399-1400

By: 
MARTIN S. FRIEDMAN