

State of Florida



Public Service Commission
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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

DATE: JANUARY 22, 2004

TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK & ADMINISTRATIVE SERVICES (BAYÓ)

FROM: DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (S. CATER, B. CASEY, C. BULECZA-BANKS) OFFICE OF THE GENERAL COUNSEL (L. DODSON)

RE: DOCKET NO. 010787-TL - INVESTIGATION INTO TELEPHONE EXCHANGE BOUNDARY ISSUES IN SARASOTA COUNTY.

AGENDA: 02/03/04 - REGULAR AGENDA - NOTICE OF VOLUNTARY DISMISSAL - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\010787.RCM

CASE BACKGROUND

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.

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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.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission acknowledge Janet Rowe Dugan's Notice of Voluntary Dismissal of her petition and close this docket?

RECOMMENDATION: Yes. The Commission should acknowledge Janet Rowe Dugan's Notice of Voluntary Dismissal of her petition, and close this docket. (L. DODSON, S. CATER)

STAFF ANALYSIS: 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).

Therefore, staff recommends that the Commission acknowledge Janet Rowe Dugan's Notice of Voluntary Dismissal of her Petition.

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ISSUE 2: Should this Docket be closed?

RECOMMENDATION: Yes. There is nothing further in this Docket for this Commission to consider, and the Docket should be closed. (L. DODSON)

STAFF ANALYSIS: There is nothing further in this Docket for this Commission to consider. Therefore, the Docket should be closed.