

**Matilda Sanders**

**ORIGINAL**

**From:** McMillan, Kathryn [Kathryn.McMillan@sablaw.com]  
**Sent:** Thursday, October 06, 2005 10:22 AM  
**To:** Filings@psc.state.fl.us  
**Cc:** Boyd Jr., C. Everett; Allaman, Melissa  
**Subject:** PSC Unit Power Sales - Docket No. 041393-EI  
**Attachments:** Not. of Vol. Dismissal w-Prejudice (File Stamped) 100505.pdf

<<Not. of Vol. Dismissal w-Prejudice (File Stamped) 100505.pdf>>  
 Attached for your information and filing is a Notice of Voluntary Dismissal with Prejudice that was filed with the Florida Supreme Court on October 5, 2005.

Kathi McMillan, CLA  
 Assistant to C. Everett Boyd, Jr. and Melissa Fletcher Allaman

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10/6/2005

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

ORIGINAL

IN THE SUPREME COURT  
STATE OF FLORIDA

RECEIVED  
THOMAS D. HALL

OCT 05 2005

CLERK, SUPREME COURT  
BY \_\_\_\_\_  
CASE NO. SC05-1357

WHITE SPRINGS AGRICULTURAL CHEMICALS,  
INC., d/b/a PCS PHOSPHATE – WHITE SPRINGS,

Appellant,

v.

FLORIDA PUBLIC SERVICE COMMISSION  
and PROGRESS ENERGY FLORIDA, INC.,

Appellees.

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**NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE**

Comes now the Appellant, White Springs Agricultural Chemicals, Inc., d/b/a PCS Phosphate – White Springs, and moves for voluntary dismissal of this appeal with prejudice pursuant to Rule 9.350(b), Florida Rules of Appellate Procedure, with each party to bear its own costs and attorney's fees. Counsel for Appellees have been notified of Appellant's intention to dismiss and do not oppose Appellant's notice of voluntary dismissal.

Dated this 5<sup>th</sup> day of October, 2005

DOCUMENT NUMBER-DATE

09551 OCT-6 '05

FPSC COMMISSION CLERK

Respectfully submitted,

SUTHERLAND ASBILL & BRENNAN LLP

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*Attorneys for Appellant White Springs Agricultural  
Chemicals, Inc., d/b/a PCS Phosphate – White  
Springs*

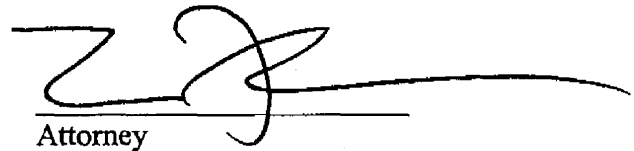
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Appellant  
White Springs Agricultural Chemicals, Inc., d/b/a PCS Phosphate – White Springs'  
Notice of Voluntary Dismissal With Prejudice was served via first-class mail on this 5<sup>th</sup>  
day of October, 2005, upon the following:

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\_\_\_\_\_  
Attorney

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