

Matilda Sanders

ORIGINAL

From: ljacobs50@comcast.net
Sent: Thursday, October 12, 2006 7:28 PM
To: Filings@psc.state.fl.us
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Subject: Docket No. 060387 - Voluntary Dismissal
Attachments: Voluntary_Dismissal.Oct12.doc

October 12, 2006

Florida Public Service Commission
 2540 Shumard Oak Blvd
 Tallahassee, Florida 32399

RE: Docket No. 060387

Dear Sir or Madame:

Attached Please find a notice of voluntary dismissal in the above-styled docket. I thank you for your attention to this matter.

Sincerely,

/s/ E. Leon Jacobs, Jr.

Williams & Jacobs
 1750 S. Gadsden Street, MS 14, Suite 201
 Tallahassee, Florida 32301
 Attorney for Petitioners

CMP _____

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DOCUMENT NUMBER-DATE

09499 OCT 13 06

FPSC-COMMISSION CLERK

10/13/2006

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of)
contract with a qualifying facility) DOCKET NO. 060387-EQ
for purchase of firm capacity and)
energy between Progress Energy) FILED: OCTOBER 12, 2006
Florida, Inc. and Biomass Energy)
Group, L.L.C.)
_____)

NOTICE OF VOLUNTARY DISMISSAL, WITH PREJUDICE, OF PETITION AND AMENDED PETITION TO PROTEST COMMISSION ACTION

NOTICE IS HEREBY GIVEN that all persons who petitioned to protest the Commission's action set forth in Commission Order No. 06-0743-PAA-EQ (the "PAA Order") issued in this docket on September 1, 2006, hereby voluntarily dismiss, with prejudice, their petitions to protest the Commission's action set forth in the PAA Order. This voluntary dismissal with prejudice is with regard to the Petition filed on September 22, 2006, the amended version of that petition that was served on September 22, 2006, and the Amended Petition that was filed on September 28, 2006. Further, this voluntary dismissal with prejudice is made, through their undersigned counsel, by Dan Hendrickson, Ben Fusaro, Karen Orr, Dick Stokes, Brian Scherf, Ashlie Hood, Dave McSherry, Winnie Foster, Betsy Roberts, Lee McSherry, and December McSherry. All of the above-named persons hereby agree and consent that the Commission may reinstate the PAA Order as a final, un-protested order of the Commission.

DOCUMENT NUMBER-DATE

09499 OCT 13 06

FPSC-COMMISSION CLERK

Respectfully submitted this 12th day of October, 2006.

/s/ E. Leon Jacobs, Jr.

E. Leon Jacobs, Esquire
Williams, Jacobs & Associates, LLC
P.O. Box 1101
Tallahassee, Florida 32302

Counsel for the Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by electronic mail and by U.S. Mail on the following, this 12th day of October, 2006.

Martha Carter Brown, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Harold A. McLean, Esquire
Office of the Public Counsel
c/o The Florida Legislature
111 West Madison Street
Tallahassee, Florida 32399-1400

John T. Burnett
Progress Energy Florida, Inc.
Post Office Box 14042
St. Petersburg, Florida 33733-4042

Robert Scheffel Wright
John T. LaVia, III
Young van Assenderp, P.A.
225 South Adams Street, Suite 200
Tallahassee, Florida 32301

/s/ E. Leon Jacobs, Jr.
Attorney