

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-

DATE: March 25, 2010

TO: Office of Commission Clerk (Cole)

FROM: Office of the General Counsel (Brooks)
Division of Regulatory Analysis (Curry, Kennedy) *RK KLC 90 41 del*

RE: Docket No. 090313-PU – Complaint of Mad Hatter Utility, Inc., and Paradise Lakes Utility, LLC against Verizon Florida LLC.

AGENDA: 04/06/10 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Stevens

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\GCL\WP\090313.RCM.DOC

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COMMISSION
CLERK*

Case Background

On May 15, 2009, Mad Hatter Utility, Inc. (MHU) and Paradise Lakes Utility, LLC (PLU) filed a joint complaint with the Commission against Verizon Florida, LLC (Verizon). After the complaint was received, Docket No. 090313-PU was established and the matter was set for hearing.

On January 20, 2010, Verizon submitted a motion to suspend proceedings because the parties had agreed to settle the matter. By Order No. PSC-10-0052-PCO-PU, issued January 20, 2010, the Commission granted the motion.

On March 3, 2010, MHU and PLU filed a notice to voluntarily dismiss their complaint against Verizon, with prejudice, due to the fact that the parties reached a settlement agreement.

DOCUMENT NUMBER-DATE

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Discussion of Issues

Issue 1: Should the Commission acknowledge Mad Hatter Utility, Inc. and Paradise Lakes Utility, LLC's notice of voluntary dismissal, with prejudice?

Recommendation: Yes, the Commission should acknowledge Mad Hatter Utility, Inc. and Paradise Lakes Utility, LLC's notice of voluntary dismissal, with prejudice. (**Curry, Brooks**)

Staff Analysis: The law is clear that the plaintiff's right to take a voluntary dismissal is absolute. Fears v. Lundsford, 314 So. 2d 578, 579 (Fla. 1975).

Therefore, staff recommends that the Commission acknowledge Mad Hatter Utility, Inc. and Paradise Lakes Utility, LLC's notice of voluntary dismissal, with prejudice.

Issue 2: Should this docket be closed?

Recommendation: Yes, there is nothing further in the docket for this Commission to address, and the docket should be closed. (**Brooks**)

Staff Analysis: There is nothing further in the docket for this Commission to address, and the docket should be closed.