

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Florida Power Corporation for resolution of territorial dispute with Tampa Electric Company (Pasco County).	)	DOCKET NO. 890755-EI
	)	ORDER NO. 23045
	)	ISSUED: 6-7-90
	)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
 THOMAS M. BEARD  
 BETTY EASLEY  
 GERALD L. GUNTER

ORDER CLOSING DOCKET

BY THE COMMISSION:

On June 6, 1989, Florida Power Corporation (FPC) filed a Petition to Resolve Territorial Dispute between itself and Tampa Electric Company, Inc. (TECO). On June 20, 1989, FPC filed an Amended Petition. On July 10, 1989, TECO filed a response. The disputed area is Sundance Golf and Country Club, comprised of 272 acres with an intended build-out of 773 residential units and a golf course. At the time the petition was filed, the only improvements on the area were a pump and a portable building temporarily used by the developer to store golf course maintenance equipment. At the request of the parties, the prehearing conference was postponed twice, once from February 23, 1990 to March 14, 1990, and again from March 14, 1990, to April 30, 1990. Grounds for both postponements were that the parties were approaching settlement. By letter dated April 20, 1990, the parties requested a third postponement on the same grounds. On April 24, 1990, an Order Denying Request for Postponement was issued. On April 26, 1990, FPC filed a Motion For Dismissal Without Prejudice and Cancellation of Prehearing Conference And All Further Hearing Dates. While reference is made to a May 1 prehearing conference, according to FPC, reference to the April 30 prehearing conference was intended. At the prehearing conference, the Motion for Dismissal was treated as a Notice of Withdrawal.

DOCUMENT NUMBER-DATE

05007 JUN -7 1990

PSC-RECORDS/REPORTING

ORDER NO. 23045  
 DOCKET NO. 890755-EI  
 PAGE 2

Commission Rule 25-22.035(3), Florida Administrative Code, and Rule of Civil Procedure 1.420(a)(1), allows a complainant to voluntarily withdraw a petition without approval of the court at any time prior to its submission to the trier of fact. No such submission has been made. For that reason, we find that this docket should be closed.

Accordingly, it is

ORDERED by the Florida Public Service Commission that this docket be closed.

By ORDER of the Florida Public Service Commission,  
 this 7th day of JUNE, 1990.

\_\_\_\_\_  
 STEVE TRIBBLE, Director  
 Division of Records and Reporting

( S E A L )

BAB

by: Kay Flynn  
 Chief, Bureau of Records

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15)

ORDER NO. 23045  
DOCKET NO. 890755-EI  
PAGE 3

days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.