

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Osceola
County to initiate rulemaking to
amend Rule 25-9.0525, F.A.C.,
Municipal Surcharge on Customers
Outside Municipal Limits.

DOCKET NO. 990409-EM
ORDER NO. PSC-99-1808-FOF-EM
ISSUED: September 17, 1999

The following Commissioners participated in the disposition of
this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.

ORDER ACKNOWLEDGING WITHDRAWAL OF PETITION

BY THE COMMISSION:

Osceola County, Florida (Osceola County) petitioned the
Commission to initiate rulemaking to amend Rule 25-9.0525, Florida
Administrative Code. Osceola County subsequently filed a notice of
withdrawal of its petition.

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). Once a timely voluntary dismissal is taken,
the trial court loses its jurisdiction to act and cannot revive the
original action for any reason. Randle-Eastern Ambulance Service,
Inc. v. Vasta, 360 So. 2d 68, 69 (Fla. 1978). We find that Osceola
County's withdrawal of its petition divests the Commission of
further jurisdiction concerning the petition to initiate
rulemaking. Accordingly, we acknowledge Osceola County's notice of
withdrawal without prejudice and shall close the docket.

It is therefore

ORDERED by the Florida Public Service Commission that Osceola
County's withdrawal of its petition to initiate rulemaking is
hereby acknowledged. It is further

DOCUMENT NUMBER-DATE

11154 SEP 17 99

FPC-RECORDS/REPORTING

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ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 17th
day of September, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting



Kay Flynn, Chief
Bureau of Records

(S E A L)

MAH

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) 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 and/or wastewater 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.

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 9, 20, 99
Number of Originals 3 Copies Per Original 19
Requested By P. Smith

Item Presented
Agenda For (Date) _____ Order No. 99-1808 In Docket No. 990409
Notice of _____ For (Date) _____ In Docket No. _____
Other _____

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MEMORANDUM RECEIVED-PPSC

September 16, 1999 99 SEP 16 PM 2:35

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: MARY ANNE HELTON, DIVISION OF APPEALS *MAH*

RE: DOCKET NO. 990409-EM

1808-FOF

Attached is an Order ORDER ACKNOWLEDGING WITHDRAWAL OF PETITION to be issued in the above-referenced docket. (Number of pages in order - 3)

Attachment

cc: Division of Electric & Gas (Kummer)

I: 990409.ORD

faxed - 4/1
mailed -