

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of ESS.COM,
L.L.C. for apparent violation of Section
364.02, F.S., Definitions.

DOCKET NO. 040016-TI
ORDER NO. PSC-04-0409-CO-TI
ISSUED: April 20, 2004

CONSUMMATING ORDER

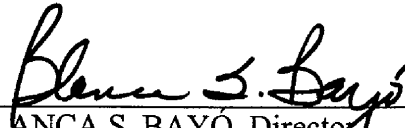
BY THE COMMISSION:

By Order No. PSC-04-0316-PAA-TI, issued March 23, 2004, this Commission proposed to take certain action, subject to a Petition for Formal Proceeding as provided in Rule 25-22.029, Florida Administrative Code. No response has been filed to the order, in regard to the above mentioned docket. It is, therefore,

ORDERED by the Florida Public Service Commission that Order No. PSC-04-0316-PAA-TI has become effective and final. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission this 20th day of April, 2004.



BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(SEAL)

VSM

DOCUMENT NUMBER-DATE

04654 APR 20 04

FPSC-COMMISSION CLERK

ORDER NO. PSC-04-0409-CO-TI
DOCKET NO. 040016-TI
PAGE 2

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 judicial review of Commission orders that is available pursuant to Section 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 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 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 the Commission Clerk and Administrative Services 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.