

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaint regarding BellSouth Telecommunications, Inc.'s failure to offer its promotional tariff offerings for resale and request for relief, by Supra Telecommunications and Information Systems, Inc.

DOCKET NO. 060366-TP
ORDER NO. PSC-06-1003-FOF-TP
ISSUED: December 5, 2006

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
J. TERRY DEASON
ISILIO ARRIAGA
MATTHEW M. CARTER II
KATRINA J. TEW

ORDER ACKNOWLEDGING NOTICE OF VOLUNTARY
DISMISSAL WITH PREJUDICE

BY THE COMMISSION:

I. Case Background

On May 1, 2006, Supra Telecommunications and Information Systems, Inc. (Supra) filed a complaint regarding BellSouth Telecommunications, Inc.'s (BellSouth) failure to offer its promotional tariff offerings for resale. On May 22, 2006, BellSouth filed its Answer. Pursuant to Order No. PSC-06-0738-PCO-TP, issued August 31, 2006, certain procedural dates were set for this matter.

On September 21, 2006, the parties filed a Joint Motion for Extension of Time to extend the time for filing direct testimony until October 13, 2006. Order No. PSC-06-0799-PCO-TP granting the extension was issued on September 25, 2006.

On October 12, 2006, the parties filed a Joint Motion for Stay in which they requested that we stay proceedings in this docket for a period of 30 days from the date an Order is issued. The parties indicated that they were involved in settlement negotiations. An Order Granting Joint Motion for Stay was issued on October 13, 2006.¹

On October 19, 2006, Supra filed a Notice of Voluntary Dismissal With Prejudice.

¹ See Order No. PSC-06-0858-PCO-TP.

DOCUMENT NUMBER-DATE

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II. Analysis

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). It is also established civil law that once a timely voluntary dismissal is taken, the trial court loses its jurisdiction to act. Randle-Eastern Ambulance Service, Inc. v. Vasta, 360 So.2d 68, 69 (Fla. 1978). In its Notice of Voluntary Dismissal With Prejudice, Supra does not indicate the basis for dismissal; however, we believe that the parties may have resolved their dispute.²

III. Decision

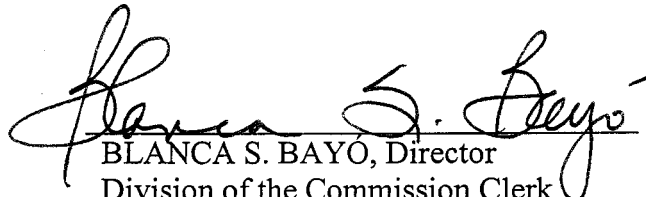
Therefore, we hereby acknowledge Supra's Notice of Voluntary Dismissal With Prejudice. No other party has filed for intervention, and we find that no party would be prejudiced by acknowledging the voluntary dismissal. With Supra's voluntary dismissal of its Complaint, no further issues remain for this Commission to address. Therefore, this docket shall be closed.

Based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that Supra Telecommunications and Information Systems, Inc.'s Notice of Voluntary Dismissal With Prejudice is hereby acknowledged. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 5th day of December, 2006.


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

(SEAL)

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² We note that the resolution between the parties is confidential.

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 the Commission Clerk and Administrative Services, 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 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.