

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Review of tariff filing (T-060052) by Verizon Florida Inc. to establish permanent promotional offering. | DOCKET NO. 060292-TL
ORDER NO. PSC-07-0344-FOF-TL
ISSUED: April 24, 2007

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
MATTHEW M. CARTER II
KATRINA J. MCMURRIAN

ORDER CLOSING DOCKET

BY THE COMMISSION:

On January 27, 2006, Verizon Florida, Inc. (Verizon) filed to establish a permanent promotional tariff offering (T-060052). By Proposed Agency Action Order No. PSC-06-0390-PAA-TL, issued May 10, 2006, the Commission allowed the tariff to remain in effect subject to two conditions: Verizon would provide staff with one-day, advance written notice of each promotional offer made during 2006; and Verizon would provide semi-annual tracking reports during 2006.

On May 31, 2006, the Florida Cable Telecommunications Association (FCTA) filed a protest seeking a formal proceeding pursuant to Section 120.57(1), Florida Statutes.

By Order No. PSC-06-0720-PCO-TL, issued August 24, 2006, controlling dates and hearing dates were established in this docket. On September 7, 2006, FCTA filed its Motion to Hold Docket in Abeyance Pending Its Motion to Raise Additional Issues. By Order No. PSC-06-0767-PCO-TL, issued September 12, 2006, this docket was held in abeyance.

On February 8, 2007, FCTA filed a Notice of Substitution of Counsel and Notice of Withdrawal of Protest of Proposed Agency Action Order No. PSC-06-0390-PAA-TL.

The Notice of Withdrawal of Protest filed by FCTA negates the need for a hearing in this matter. Furthermore, the law is clear that the petitioner'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).

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FPSC-COMMISSION CLERK

Because there are no remaining issues in dispute and thus no need for a hearing, we hereby acknowledge the Notice of Withdrawal and close this Docket.

ORDERED that Notice of Withdrawal is hereby acknowledged. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 24th day of April, 2007.



ANN COLE
Commission Clerk

(S E A L)

PKW

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 Office of Commission Clerk, 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 Office of Commission Clerk, 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.