

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for confidential  
classification of FERC Form 1  
for year ending 12/31/98 by Gulf  
Power Company.

DOCKET NO. 990557-EI  
ORDER NO. PSC-99-1807-CFO-EI  
ISSUED: September 17, 1999

ORDER ACKNOWLEDGING WITHDRAWAL  
OF REQUEST FOR CONFIDENTIAL CLASSIFICATION

Gulf Power Company (Gulf) filed a request for confidential classification of certain information contained in its FERC Form 1 for the year ending December 31, 1998, pursuant to Rule 25-22.006, Florida Administrative Code, and Section 366.093, Florida Statutes. Gulf subsequently filed a notice of withdrawal of its request.

The Legal Environmental Assistance Foundation, Inc. (LEAF), and the Florida Industrial Power Users Group (FIPUG) filed petitions to intervene in the docket. FIPUG also filed an objection and response to Gulf's request for confidential classification.

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). Gulf's withdrawal of its request divests the Commission of further jurisdiction concerning the request for confidential classification.

Accordingly, Gulf's withdrawal of its request is acknowledged. This withdrawal shall have the effect of rendering all information contained in its FERC Form 1 public. Gulf's withdrawal also has the effect of rendering LEAF and FIPUG's petitions to intervene moot.

It is therefore

ORDERED by Commission Susan F. Clark, as Prehearing Officer, that Gulf Power Company's Withdrawal of Request for Confidential Classification is hereby acknowledged. It is further

DOCUMENT NUMBER-DATE

11153 SEP 17 99


FPSC-RECORDS/REPORTING

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ORDERED that the Legal Environmental Assistance Foundation, Inc., and Florida Industrial Power Users Group's Petitions to Intervene are hereby rendered moot. It is further

ORDERED that this docket shall be closed.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 17th day of September, 1999.

  
\_\_\_\_\_  
SUSAN F. CLARK  
Commissioner and Prehearing Officer

( 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida

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Administrative Code, if issued by the Commission; or (3) 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 wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

Requisition for Photocopying and Mailing

Date 9, 20, 99

Number of Originals 3

Copies Per Original 19

Requested By [Signature]

Item Presented

Agenda For (Date) \_\_\_\_\_ Order No. 99-1807 In Docket No. 99057

Notice of \_\_\_\_\_ For (Date) \_\_\_\_\_ In Docket No. \_\_\_\_\_

Other \_\_\_\_\_

Special Handling Instructions

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>19</u>	<u>Commission Offices</u>	<u>--</u>	_____
<u>(2)</u>	<u>Docket Mailing List - Mailed</u>	_____	_____
	<u>Docket Mailing List - Faxed</u>	_____	_____

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 274 Verified By Michael

Date and Time Completed 9/23 Job Checked For Correctness and Quality (Initial) \_\_\_\_\_

Mail Room Verification

Date Mailed \_\_\_\_\_ Verified By \_\_\_\_\_

State of Florida



# Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: September 16, 1999  
 TO: BLANCA BAYO, DIRECTOR OF RECORDS AND REPORTING  
 FROM: MARY ANN HELTON, DIVISION OF APPEALS *nat*  
 RE: DOCKET NO. 990557-EI

RECEIVED-FPSC  
 99 SEP 16 PM 4:12  
 RECORDS AND REPORTING

*1807- G*

FILE NAMES: 990557.ORD

Attached is an order to be issued as soon as possible.

MAH

Attachment

cc: Wanda Terrell

# MUST GO TODAY

*boxed 2/0.  
 Wanda Terrell*