



Public Service Commission

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RECORDS AND REPORTING
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BPO
ED CSR RM 782

DATE: JULY 20, 2000

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF LEGAL SERVICES (WALKER)
DIVISION OF CONSUMER AFFAIRS (C. PENA)
DIVISION OF ECONOMIC REGULATION (E. DRAPER)

RE: DOCKET NO. 980864-EI - COMPLAINT BY ALBERT SADAKA AGAINST FLORIDA POWER & LIGHT COMPANY REGARDING BACKBILLING.

AGENDA: 08/01/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\LEG\WP\980864.RCM

CASE BACKGROUND

On April 18, 1997, Mr. Albert Sadaka filed a complaint with the Division of Consumer Affairs (CAF) against Florida Power & Light Company (FPL). FPL backbilled Mr. Sadaka in the amount of \$15,451.79 for alleged unbilled energy and investigative charges from March 19, 1991 through March 21, 1997. Mr. Sadaka contended that the backbilled amount was excessive.

On November 5, 1998, the Commission issued Order No. PSC-98-1486-PCO-EI, referring this case to the Division of Administrative Hearings (DOAH) to conduct a formal hearing. Mr. Sadaka voluntarily dismissed with prejudice his complaint in this docket on June 6, 2000. The Administrative Law Judge ordered that the file of the Division of Administrative Hearings be closed, effective June 8, 2000.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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DISCUSSION OF ISSUES

ISSUE 1: Should Mr. Sadaka's voluntary dismissal with prejudice be acknowledged?

RECOMMENDATION: Yes. Mr. Sadaka's voluntary dismissal with prejudice should be acknowledged. (WALKER)

STAFF ANALYSIS: As stated above, on June 6, 2000, Mr. Sadaka voluntarily dismissed with prejudice his complaint, which was the subject of this docket. It is well established in the law that a complainant has the right to voluntarily dismiss an action by timely filing a notice thereof. Fears v. Lunford, 314 So.2d 578, 579 (Fla. 1975). Accordingly, the Commission should acknowledge Mr. Sadaka's voluntary dismissal with prejudice.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. This docket should be closed. (WALKER)

STAFF ANALYSIS: Other than the referral to the Division of Administrative Hearings, no Commission action has been taken. Because Mr. Sadaka has voluntarily dismissed his complaint, there are no further matters that the Commission may consider in this docket. Therefore, this docket should be closed.