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August 27, 2007

Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center
Room 110
Tallahassee, FL 32399-0850

HAND DELIVERY

COMMISSION
CLERK

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RECEIVED-FPSC

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Re: Docket No. 060368-WS

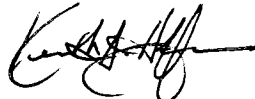
Dear Ms. Cole:

Enclosed for filing on behalf of Aqua Utilities Florida, Inc. ("AUF") are the original and fifteen copies of AUF's Notice of Voluntary Dismissal.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing.

Sincerely,



Kenneth A. Hoffman

- CMP _____
- COM _____
- CTR _____
- ECR** _____
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- SGA _____
- SEC _____
- OTH _____

KAH/rl

Enclosures

cc: All Parties of Record

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DOCUMENT NO. DATE

07685-07 8/27/07
FPSC - COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for increase in water and)
wastewater rates in Alachua, Brevard,)
Highlands, Lake, Lee, Marion, Orange,)
Palm Beach, Pasco, Polk, Putnam,)
Seminole, Sumter, Volusia, and Washington)
Counties by Aqua Utilities Florida, Inc.)
_____)

Docket No. 060368-WS

Filed: August 27, 2007

**AQUA UTILITIES FLORIDA, INC.'S
NOTICE OF VOLUNTARY DISMISSAL**

Aqua Utilities Florida, Inc. ("AUF"), by and through its undersigned counsel, hereby submits this Notice of Voluntary Dismissal, without prejudice, of its Application for Approval of Interim and Final Water and Wastewater Rate Increases, Increased or Revised Service Availability Charges, and For Approval of Allowance for Funds Prudently Invested Charges ("Application") filed in this docket. By this Notice, AUF also withdraws the Minimum Filing Requirements ("MFRs") filed by AUF in support of its Application, as well as all deficiency responses filed by AUF to correct deficiencies in the originally submitted MFRs. In support of this Notice, AUF states:

1. On December 1, 2006, AUF filed its Application and supporting MFRs. The Application seeks rate relief for fifty-six water and twenty-four wastewater systems located in fifteen counties pursuant to certificates of authorization issued by the Commission. Subsequently, AUF filed several responses to correct MFR deficiencies and an official date of filing of March 26, 2007 was established for AUF's Application.

2. On August 16, 2007, the Commission Staff issued a Staff Recommendation addressing, among other things, a Joint Motion to Dismiss filed by the Office of Public Counsel ("OPC") and the Attorney General, and concerns alleged by the Staff with AUF's Application. On August 22, 2007, representatives of AUF met with representatives of the Commission Staff, OPC

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FPSC-COMMISSION CLERK

and the Attorney General to discuss the issues raised in the Staff Recommendation. In light of the totality of the circumstances, AUF has decided to file this Voluntary Dismissal, without prejudice.

3. The Commission has recognized that the right of a petitioner to take a voluntary dismissal is absolute.¹ Once a voluntary dismissal is taken, the trial court loses all jurisdiction over the matter, and cannot reinstate the action for any reason.² Both of these legal principles have been recognized in administrative proceedings.³ Accordingly, AUF can dismiss its Application as a matter of right, which is in accord with past Commission decisions.⁴

¹Fears v. Lunsford, 314 So.2d 578, 579 (Fla. 1975).

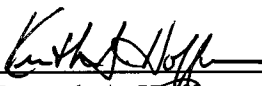
²Randle-Eastern Ambulance Service, Inc. v. Vasta, Elena, etc., 360 So.2d 68, 69 (Fla. 1978).

³Orange County v. Debra, Inc., 451 So.2d 868 (Fla. 1st DCA 1983); City of Bradenton v. Amerifirst Development Corporation, 582 So.2d 166 (Fla. 2d DCA 1991); Saddlebrook Resorts, Inc. v. Wiregrass Ranch, Inc., 630 So.2d 1123 (Fla. 2d DCA 1993) aff'd, 645 So.2d 374 (Fla. 1994).

⁴See Order No. PSC-05-0724-FOF-TP, issued July 6, 2005, in Docket Nos. 040489-TP, In re: Emergency complaint seeking order requiring BellSouth Telecommunications, Inc. and Verizon Florida Inc. to continue to honor existing interconnection obligations, by XO Florida, Inc. and Allegiance Telecom of Florida, Inc. (collectively, Joint CLECs) and 040520-TP, In re: Emergency petition seeking order requiring BellSouth Telecommunications, Inc. and Verizon Florida Inc. to continue to honor existing interconnection obligations, by the Florida Competitive Carriers Association, AT&T Communications of the Southern States, LLC, MCI Metro Access Transmission Services, LLC, and MCI WorldCom Communications, Inc.; Order No. PSC-02-0857-FOF-TP, issued June 24, 2004, in Docket No. 011615-TP, In re: Complaint of KMC Telecom, Inc. for enforcement of interconnection agreement with Sprint-Florida, Incorporated; see also Staff Recommendation issued August 2, 2007 in Docket Nos. 070127-TX and 070408-TP approved by the Commission at the August 14, 2007 Agenda Conference. But see Order No. PSC-07-02979-FOF-SU, issued April 9, 2007, in Docket No. 020640-SU, In re: Application for certificate to provide wastewater service in Lee County by Gi stro, Inc., and Order No. PSC-96-0992-FOF-WS, issued August 5, 1996, in Docket No. 950758-WS, In Re: Petition for approval of transfer of facilities of Harbor Utilities Company, Inc., to Bonita Springs Utilities and cancellation of Certificates Nos. 272-W and 215-S in Lee County (voluntary dismissal cannot be utilized to divest the Commission as an adjudicatory agency of its jurisdiction granted to it by the legislature).

WHEREFORE, AUF respectfully requests that the Commission acknowledge AUF's Notice of Voluntary Dismissal, without prejudice.

Respectfully submitted this 27th day of August, 2007.



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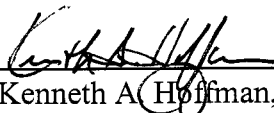
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by Hand Delivery this 27th day of August, 2007 to the following:

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