

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for approval of a regulatory asset to record costs incurred due to COVID-19, by Gulf Power Company.

Docket No: 20200151-EI

In re: Petition for approval of a regulatory asset to record costs incurred due to COVID-19, by Utilities, Inc. of Florida.

Docket No. 20200189-WS

In re: Petition for approval of regulatory assets to record costs incurred due to COVID-19, by Florida Public Utilities Company, Florida Public Utilities Company - Indiantown Division, Florida Public Utilities Company - Fort Meade, Florida Division of Chesapeake Utilities Corporation.

Docket No. 20200194-PU

**UTILITIES, INC. OF FLORIDA'S NOTICE OF VOLUNTARY DISMISSAL  
WITHOUT PREJUDICE**

Utilities, Inc. of Florida, through undersigned counsel, hereby notices its dismissal without prejudice of its Petition filed in Docket No. 20200189-WS.

As this Commission has often acknowledged:

It is a well established legal principle that the plaintiff's right to take a voluntary dismissal is absolute. Once a voluntary dismissal is taken, the trial court loses all jurisdiction over the matter, and cannot reinstate the action for any reason. Both of these legal principles have been recognized in administrative proceedings. In Saddlebrook Resorts, Inc. v. Wiregrass Ranch, Inc., 630 So. 2d 1123, 1128 (Fla. 2d DCA 1993), the court concluded that "the jurisdiction of any agency is activated when the permit application is filed . . . [and] is only lost by the agency when the permit is issued or denied or when the permit applicant withdraws its application prior to completion of the fact-finding process." In this case, the hearing has not yet occurred, so the fact-finding process is not complete. We therefore find it appropriate to acknowledge Mariposa's withdrawal of its petition as a matter of right, which is in accord with past Commission decisions. We further find that the effect of Mariposa's voluntary withdrawal of its petition for water and wastewater certificates is to divest us of further jurisdiction over this matter. PSC Order No. PSC-2008-0326-FOF-WS [footnotes omitted]

WHEREFORE, Utilities, Inc. of Florida requests the Commission acknowledge its dismissal without prejudice.

Respectfully submitted this 30<sup>th</sup> day of March, 2021, by:

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*/s/ Martin S. Friedman*  
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For the Firm

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by electronic mail this 30th day of March, 2021 to the following:

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