

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to recover special)	DOCKET NO. 910010-TL
construction charges for the provision)	
of telecommunications service to the)	ORDER NO. 24500
residents of No Name Key by SOUTHERN)	
BELL TELEPHONE AND TELEGRAPH COMPANY)	ISSUED: 5/8/91
)	

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON
 BETTY EASLEY
 GERALD L. GUNTER
 MICHAEL MCK. WILSON

ORDER ACKNOWLEDGING NOTICE OF DISMISSAL

BY THE COMMISSION:

On January 8, 1991, Southern Bell Telephone and Telegraph Company (the Company) filed its Petition to Recover Special Construction Charges for the Provision of Telecommunications Service to the Residents of No Name Key. According to the Petition, the Company completed construction of facilities in October, 1990, providing service to the island. Shortly after the Petition was filed, the affected residents filed several protests opposing the attempt to recover costs.

On April 4, 1991, the Company filed its Notice of Dismissal. Under Rule 1.420(a), Florida Rules of Civil Procedure, voluntary dismissal by a plaintiff, which is analogous to the position of the Company in this case, is a right and without prejudice. We acknowledge the Company's April 4, 1991, Notice of Dismissal.

As the Company has dismissed its Petition, nothing remains to be done in this Docket and it shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Commission acknowledges the Notice of Dismissal filed by the Southern Bell Telephone and Telegraph Company. It is further

ORDERED that this Docket is hereby closed.

DOCUMENT NUMBER-DATE

04494 MAY-8 1991

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By ORDER of the Florida Public Service Commission, this 8th
day of MAY, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 Director, Division of Records and Reporting 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 or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting 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,

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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.