

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Albert
Sadaka against Florida Power &
Light Company regarding
backbilling.

DOCKET NO. 980864-EI
ORDER NO. PSC-00-1517-FOF-EI
ISSUED: August 21, 2000

The following Commissioners participated in the disposition of
this matter:

J. TERRY DEASON, Chairman
E. LEON JACOBS, JR.
LILA A. JABER

ORDER CLOSING DOCKET

BY THE COMMISSION:

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, we 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 on June 6, 2000. The
Administrative Law Judge ordered that the file of the Division of
Administrative Hearings be closed, effective June 8, 2000.

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, we acknowledge Mr. Sadaka's voluntary dismissal with
prejudice. Other than the referral to the Division of
Administrative Hearings, no Commission action has been taken.
There are no other matters that we must consider in this docket.
Therefore, this docket should be closed.

DOCUMENT NUMBER-DATE

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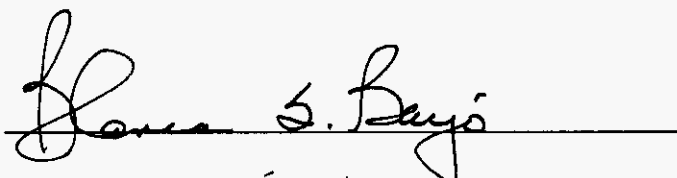
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Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 21st day of August, 2000.

A handwritten signature in black ink, appearing to read "Blanca S. Bayó", is written over a horizontal line.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

KDW

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.

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater utility by filing a notice of appeal with the Director,

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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, 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.