

IN THE SUPREME COURT  
STATE OF FLORIDA

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CASE NO. SC05-1357

WHITE SPRINGS AGRICULTURAL CHEMICALS,  
INC., d/b/a PCS PHOSPHATE – WHITE SPRINGS,

Appellant,

v.

FLORIDA PUBLIC SERVICE COMMISSION  
and PROGRESS ENERGY FLORIDA, INC.,

Appellees.

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**NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE**

Comes now the Appellant, White Springs Agricultural Chemicals, Inc., d/b/a PCS Phosphate – White Springs, and moves for voluntary dismissal of this appeal with prejudice pursuant to Rule 9.350(b), Florida Rules of Appellate Procedure, with each party to bear its own costs and attorney's fees. Counsel for Appellees have been notified of Appellant's intention to dismiss and do not oppose Appellant's notice of voluntary dismissal.

Dated this 5<sup>th</sup> day of October, 2005

Respectfully submitted,

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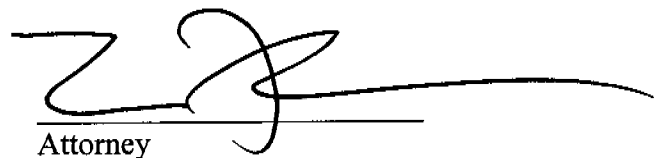
## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Appellant White Springs Agricultural Chemicals, Inc., d/b/a PCS Phosphate – White Springs' Notice of Voluntary Dismissal With Prejudice was served via first-class mail on this 5<sup>th</sup> day of October, 2005, upon the following:

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