

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Mad Hatter Utility, Inc.,  
and Paradise Lakes Utility, LLC against  
Verizon Florida LLC.

DOCKET NO. 090313-PU  
ORDER NO. PSC-10-0278-FOF-PU  
ISSUED: May 4, 2010

The following Commissioners participated in the disposition of this matter:

NANCY ARGENZIANO, Chairman  
LISA POLAK EDGAR  
NATHAN A. SKOP  
DAVID E. KLEMENT  
BEN A. "STEVE" STEVENS III

ORDER ACKNOWLEDGING NOTICE OF  
VOLUNTARY DISMISSAL WITH PREJUDICE

BY THE COMMISSION:

**I. Case Background**

On May 15, 2009, Mad Hatter Utility, Inc. (MHU) and Paradise Lakes Utility, LLC (PLU) filed a joint complaint with the Commission against Verizon Florida LLC (Verizon). After the complaint was received, Docket No. 090313-PU was established and the matter was set for hearing.

On January 20, 2010, Verizon submitted a motion to suspend proceedings because the parties had agreed to settle the matter. By Order No. PSC-10-0052-PCO-PU, issued January 20, 2010, the Commission granted the motion.

On March 3, 2010, MHU and PLU filed a notice to voluntarily dismiss their complaint against Verizon, with prejudice, due to the fact that the parties reached a settlement agreement.

**II. Analysis**

The law is clear that the plaintiff's right to take a voluntary dismissal is absolute. Fears v. Lundsford, 314 So. 2d 578, 579 (Fla. 1975). Once a timely voluntary dismissal is taken, the trial court loses its jurisdiction to act on a matter. Randle Eastern Ambulance Service, Inc. v. Vasta, 360 So.2d 68, 69 (Fla. 1978). Therefore, we acknowledge Mad Hatter Utility, Inc. and Paradise Lakes Utility, LLC's Notice of Voluntary Dismissal, with prejudice.

Based on the foregoing, it is

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FPSC-COMMISSION CLERK

ORDERED by the Florida Public Service Commission that, Mad Hatter Utility, Inc. and Paradise Lakes Utility, LLC's Notice of Voluntary Dismissal, with prejudice is hereby acknowledged. It is further

ORDERED that this Docket shall be closed.

By ORDER of the Florida Public Service Commission this 4th day of May, 2010.

  
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ANN COLE  
Commission Clerk

( S E A L )

TJB

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 Office of Commission Clerk, 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 Office of Commission Clerk, 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.