

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for declaratory statement that planned service to provide National Directory Assistance via an 800 number to residential and business customers in Florida for a charge does not fall under the Commission's regulatory provisions, by eData.com, Inc.

DOCKET NO. 000816-TP
ORDER NO. PSC-00-1600-FOF-TP
ISSUED: September 7, 2000

The following Commissioners participated in the disposition of this matter:

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

ORDER ACKNOWLEDGING VOLUNTARY DISMISSAL

BY THE COMMISSION:

eData.com sought a declaratory statement from the Commission, which it later voluntarily withdrew on August 14, 2000. The law is clear that the plaintiff's right to take a voluntary dismissal is absolute. Fears v. Lunsford, 314 So. 2d 578, 579 (Fla. 1975). It is also established civil law that once a timely voluntary dismissal is taken, the trial court loses its jurisdiction to act and cannot revive the original action for any reason. Randle-Eastern Ambulance Service, Inc. v. Vasta, 360 So. 2d 68, 69 (Fla. 1978).

Accordingly, we find that eData.com's voluntary dismissal of its petition for declaratory statement divests us of further jurisdiction over this matter. We therefore acknowledge eData.com's voluntary dismissal without prejudice and close the docket.

It is therefore

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

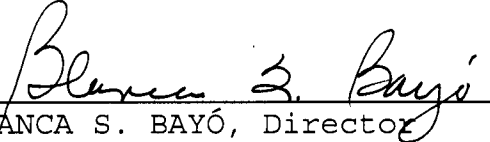
DOCUMENT NUMBER-DATE

11070 SEP-78

FPSC-RECORDS/REPORTING

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By ORDER of the Florida Public Service Commission this 7th day
of September, 2000.


BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

MAH

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, 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.

M E M O R A N D U M

September 6, 2000

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RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING
FROM: MARY ANNE HELTON, DIVISION OF APPEALS
RE: DOCKET NO. 000816-TP

MAH

00-1600-FOF

Attached is an ORDER ACKNOWLEDGING VOLUNTARY DISMISSAL to be issued in the above-referenced docket. (Number of pages in order

- 2)

MAH
Attachment
cc: Division of Competitive Services
Division of Regulatory Review
I:000816.ord

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