



Issue Date: 12 August 2005

CASE NO: 2005-SOX-00074

In the Matter of

MICHAEL PORTIS,
Complainant

v.

CALPINE CORPORATION,
Respondent

**FINAL ORDER
PERMITTING WITHDRAWAL OF OBJECTIONS**

The above action arises upon a complaint filed on January 20, 2005, by Michael Portis, Complainant, versus Calpine Corporation, Respondent, pursuant to 18 U.S.C. § 1514A. The complaint was investigated by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), with findings made on April 27, 2005. On June 13, 2005, a request for hearing was filed by the Complainant. On July 14, 2005, a Notice of Hearing was issued scheduling this matter for trial on October 12, 2005. On August 8, 2005, the Complainant filed a request to dismiss his complaint. This request is treated as a request to withdraw Complainant's objections to the findings made on April 27, 2005, pursuant to 29 C.F.R. §1980.111(c), and is approved.

It is, accordingly, Ordered that:

1. The Complainant's request to withdraw his objections to the Secretary's findings is granted;
2. The hearing set for October 12-13, 2005, is canceled; and
3. The findings of OSHA made on April 27, 2005, shall constitute the final decision of the Secretary, not subject to judicial review, pursuant to 29 C.F.R. §1980.106(b)(2).

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RICHARD E. HUDDLESTON
Administrative Law Judge