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August 23, 2007

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COMMISSION
CLERK

BY HAND DELIVERY

Ms. Ann Cole, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Petition and Complaint for Expedited Proceeding, etc.
Docket No. 070552-TP

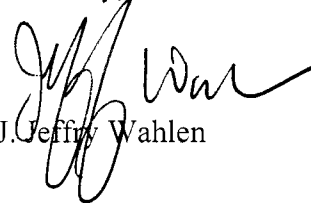
Dear Ms. Cole:

Enclosed for filing are the original and fifteen (15) copies of Joint Motion to Dismiss by Windstream Florida, Inc., Smart City Telecommunications, LLC d/b/a Smart City Telecom, and ITS Telecommunications Systems, Inc.

Please acknowledge receipt and filing of the above by stamping the duplicate of this letter and returning the same to this writer.

Thank you for your assistance in this matter.

Sincerely,



J. Jeffrey Wahlen

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL 2 _____
- OPC _____
- RCA _____
- SCR _____
- SGA _____
- SEC _____
- OTH CLK _____

Enclosures
cc: All Parties of Record

DOCUMENT NUMBER-DATE

07517 AUG 23 8

COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition and Complaint of MetroPCS Florida,)
LLC, against BellSouth Telecommunications,)
Inc. d/b/a AT&T Florida d/b/a AT&T Southeast,)
TDS Telecom d/b/a TDS Telecom/Quincy)
Telephone; Windstream Florida, Inc.; Northeast)
Florida Telephone Company d/b/a NEFCOM;)
GTC, Inc. d/b/a GT Com; Smart City)
Telecommunications, LLC d/b/a Smart City)
Telecom; ITS Telecommunications Systems,)
Inc.; and Frontier Communications of the South,)
LLC)
_____)

Docket No. 070552-TP
August 23, 2007

**Joint Motion to Dismiss by
Windstream Florida, Inc., Smart City Telecommunications, LLC
d/b/a Smart City Telecom, and ITS Telecommunications Systems, Inc.**

Pursuant to Rule 28-106.204(2), Florida Administrative Code, Windstream Florida, Inc. (“Windstream”), Smart City Telecommunications, LLC d/b/a Smart City Telecom (“Smart City”), and ITS Telecommunications Systems, Inc. (“ITS”) hereby move to dismiss the petition and complaint filed against them by MetroPCS Florida, LLC (“MetroPCS”), and state:


1. The petition and complaint in this case was filed on August 1, 2007.
2. Windstream and Smart City were served with a copy of the petition and complaint by United States Mail on August 6, 2007. ITS was served with a copy of the petition and complaint by United States Mail on August 7, 2007.
3. Under the Uniform Rules of Procedure, filing a response is optional, but a motion to dismiss must be filed no later than 20 days after service. See §28-106.204(2), F.A.C.
4. On August 21, 2007, BellSouth Telecommunications, Inc. d/b/a AT&T Florida filed a motion to dismiss MetroPCS’s petition and complaint (“AT&T Motion to Dismiss”) for various reasons specified therein.

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07517 AUG 23 5
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5. Windstream, Smart City and ITS hereby join in and adopt the AT&T Motion to Dismiss and hereby move to dismiss the petition and complaint for the reasons specified therein, which are hereby incorporated herein by reference.

WHEREFORE, Windstream, Smart City and ITS respectfully request the Florida Public Service Commission dismiss the petition and complaint in this docket with prejudice.

DATED this 23rd day of August, 2007.



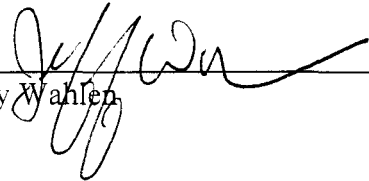
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ATTORNEYS FOR WINDSTREAM FLORIDA,
INC., SMART CITY TELECOMMUNICATIONS,
LLC, d/b/a SMART CITY TELECOM and ITS
TELECOMMUNICATIONS SYSTEMS, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via United States mail or Hand Delivery (*) this 23rd day of August, 2007 to the following:

Mr. Adam Teizman * Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850	Mr. Charles V. Gerkin, Jr. Three Ravinia Drive, Suite 1450 Atlanta, GA 30346
Mr. Patrick Wiggins * Office of General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850	Ms. Angela McCall Frontier Communications of the South, LLC 300 Bland Street Bluefield, WV 24701-3020
Mr. Floyd R. Self Messer, Caparello & Self, P.A. P. O. Box 15579 Tallahassee, FL 32317	Mr. Jim Meza AT&T Florida 150 South Monroe Street, Suite 400 Tallahassee, FL 32301-1556
Mr. Greg Follensbee BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast 150 South Monroe Street, Suite 400 Tallahassee, FL 32301-1556	Mr. Kenneth A. Hoffman Rutledge, Ecenia, Purnell & Hoffman 215 S. Monroe Street, Suite 420 Tallahassee, FL 32301



J. Jeffry Wahlen