

**Eric Fryson**

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**Sent:** Monday, October 01, 2012 3:09 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Masterton, Susan S; Sherr, Adam  
**Subject:** 090538- QCC Notice of Voluntary Dismissal- Windstream et al  
**Attachments:** 090538 Notice of Voluntary Dismissal Windstream et al 10-1-12\_Redacted.pdf

Filed on Behalf of: Susan S. Masterton  
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Docket No. 090538

Title of filing: Notice of Voluntary Dismissal With Prejudice – Windstream, US LEC, and PAETEC

Filed on behalf of: CenturyLink QCC

No of pages: 5

Description: Notice of Voluntary Dismissal With Prejudice- Windstream, US LEC, and PAETEC

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DOCUMENT NUMBER-DATE

06593 OCT-1 2012

FPSC-COMMISSION CLERK

10/1/2012

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Amended Complaint of Qwest Communications Company, LLC against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); tw telecom of florida, l.p.; Granite Telecommunications, LLC; Broadwing Communications, LLC; Budget Prepay, Inc.; BullsEye Telecom, Inc.; DeltaCom, Inc.; Ernest Communications, Inc.; Flatel, Inc.; Navigator Telecommunications, LLC; PaeTec Communications, Inc.; Saturn Telecommunication Services, Inc. d/b/a EarthLink Business; US LEC of Florida, LLC; Windstream Nuvox, Inc.; and John Does 1 through 50, for unlawful discrimination.

DOCKET NO. 090538-TP

DATED: October 1, 2012

**NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE OF  
WINDSTREAM NUVOX, INC., US LEC OF FLORIDA, LLC, AND PAETEC  
COMMUNICATIONS, INC.**

Qwest Communications Company, LLC d/b/a CenturyLink QCC ("QCC"), by and through its undersigned counsel, hereby files this voluntary dismissal with prejudice of its claims in this Complaint against Windstream Nuvox, Inc. ("Windstream"), US LEC of Florida, LLC, ("US LEC") and PAETEC Communications, Inc. ("PAETEC").

QCC files this voluntary dismissal of Windstream, US LEC, and PAETEC based on QCC's, Windstream's, US LEC's, and PAETEC's execution of a Confidential Settlement Agreement and Release, included with this Notice as Exhibit A.<sup>1</sup> The Agreement resolves the issues raised by QCC in its Amended Complaint as they relate to Windstream, US LEC and PAETEC.

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<sup>1</sup> A copy of the Exhibit will be provided to Parties who have executed a nondisclosure agreement with QCC.

DOCUMENT NUMBER-DATE

06593 OCT-1 2012

FPSC-COMMISSION CLERK

RESPECTFULLY SUBMITTED on this 1<sup>st</sup> day of October, 2012.

/s/ Susan S. Masterton  
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ATTORNEYS FOR QWEST COMMUNICATIONS  
COMPANY, LLC D/B/A CENTURYLINK QCC

EXHIBIT A

**CONFIDENTIAL SETTLEMENT AGREEMENT & RELEASE**  
(REDACTED)

**CERTIFICATE OF SERVICE  
DOCKET NO. 090538-TP**

I hereby certify that a true and correct copy of the foregoing has been served upon the following by electronic mail and/or U.S. Mail this 1<sup>st</sup> day of October, 2012.

<p>Florida Public Service Commission Theresa Tan Office of General Counsel 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 <a href="mailto:ltan@psc.state.fl.us">ltan@psc.state.fl.us</a></p>	<p>Division of Regulatory Analysis Jessica Miller Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399 <a href="mailto:JEMiller@psc.state.fl.us">JEMiller@psc.state.fl.us</a></p>
<p>Ernest Communications, Inc. 5275 Triangle Parkway, Suite 150 Norcross, GA 30092-6511 <a href="mailto:lhaag@ernestgroup.com">lhaag@ernestgroup.com</a></p>	<p>Michael J. Shortley, III Vice President – Legal Level 3 Communications 225 Kenneth Drive Rochester, New York, 14623 <a href="mailto:michael.shortley@level3.com">michael.shortley@level3.com</a></p>
<p>BullsEye Telecom, Inc. David Bailey 25925 Telegraph Road, Suite 210 Southfield, MI 48033-2527 <a href="mailto:dbailey@bullseyetelecom.com">dbailey@bullseyetelecom.com</a></p>	<p>Broadwing Communications, LLC Rutledge Law Firm Marsha E. Rule 119 South Monroe Street, Suite 202 Tallahassee, FL 32302 <a href="mailto:marsha@reuphlaw.com">marsha@reuphlaw.com</a> † <i>Confidential Documents provided in accordance with signed Protective Agreement</i></p>
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<p>Navigator Telecommunications, LLC David Stotelmyer 8525 Riverwood Park Drive North Little Rock, AR 72113</p>	<p>Paula W. Foley One Communication--Earthlink 5 Wall Street Burlington, MA 01803 <a href="mailto:pfoley@corp.earthlink.com">pfoley@corp.earthlink.com</a></p>
<p>Klein Law Group Andrew M. Klein/Allen C. Zoracki 1250 Connecticut Ave. NW, Suite 200 Washington, DC 20036 <a href="mailto:AKlein@kleinlawPLLC.com">AKlein@kleinlawPLLC.com</a> <a href="mailto:azoracki@kleinlawpllc.com">azoracki@kleinlawpllc.com</a> † <i>Confidential Documents provided in accordance with signed Protective Agreement</i></p>	<p>Budget Prepay, Inc. Alan C. Gold 1501 Sunset Drive 2<sup>nd</sup> Floor Coral Gables, FL 33143 <a href="mailto:agold@acgoldlaw.com">agold@acgoldlaw.com</a> † <i>Confidential Documents provided in accordance with signed Protective Agreement</i></p>

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/s/ Susan S. Masterton  
Susan S. Masterton