

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 090538-TP
ORDER NO. PSC-12-0395-PCO-TP
ISSUED: August 1, 2012

ORDER ACKNOWLEDGING VOLUNTARY DISMISSAL WITH PREJUDICE OF BIRCH COMMUNICATIONS, INC.

BY THE COMMISSION:

Qwest Communications Company, LLC (QCC) filed a complaint on December 11, 2009, alleging rate discrimination in connection with the provision of intrastate switched access services. QCC was granted leave to file an Amended Complaint on October 22, 2010, adding additional Respondents. On July 11, 2012, QCC filed a Notice of Voluntary Dismissal with Prejudice of Birch Communications, Inc. (Birch), stating that the parties had reached a Settlement Agreement. QCC further states that the Settlement Agreement resolves the issues raised by QCC in its amended complaint as they relate to Birch.

This matter is set for a formal administrative hearing and will continue with the remaining parties. The remaining parties are MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); tw telecom of florida, l.p.; Granite Telecommunications, LLC; Broadwing Communications, LLC; Birch Communications, Inc.; Budget Prepay, Inc.; Bullseye Telecom, Inc.; DeltaCom, Inc.; Ernest Communications, Inc.; Flatel, Inc.; Navigator Telecommunications, LLC; PaeTec Communications, Inc.; STS Telecom, LLC; US LEC of Florida, LLC; Windstream Nuvox, Inc. Given the Settlement Agreement between the QCC and Birch, I find it appropriate to acknowledge the voluntary dismissal with prejudice of Birch Communications, Inc.

Based on the foregoing, it is

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

ORDERED by the Florida Public Service Commission that the Voluntary Dismissal With Prejudice of Birch Communications, Inc. is hereby acknowledged.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 1st day of August, 2012.



LISA POLAK EDGAR
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

TLT

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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, 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 or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code.

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Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.