

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In re: Petition for Section 252(b) Arbitration of a Resale Agreement between BellSouth Telecommunications, Inc. and NOW Communications, Inc.

Docket No. 000262-TP

Filed: August 16, 2000

**NOW COMMUNICATIONS, INC.'S NOTICE OF WITHDRAWAL OF ITS MOTION FOR DETERMINATION OF PRELIMINARY MATTER BY THE PREHEARING OFFICER OR, IN THE ALTERNATIVE, BY THE COMMISSION PANEL**

COMES NOW, NOW Communications, Inc. ("NOW"), through counsel, and files this Notice of Withdrawal of Its Motion for Determination of Preliminary Matter by the Prehearing Officer or, in the alternative, by the Commission Panel, stating in support thereof the following:

1. On May 3, 2000, NOW filed a Motion for Determination of Preliminary Matter by the Prehearing Officer or, in the alternative, by the Commission Panel ("Motion").
2. On August 2, 2000, BellSouth Telecommunications, Inc., ("BellSouth") and NOW executed a new resale agreement, the result of which is that there are no longer unresolved issues between the parties requiring arbitration at this time.
3. On August 7, 2000, BellSouth filed a Motion for Withdrawal of Petition for Arbitration.
4. On August 16, 2000, NOW noticed the Commission of its concurrence with BellSouth's Motion for Withdrawal with certain clarifications.
5. Accordingly, NOW hereby files notice of its withdrawal of its Motion.

WHEREFORE, based on the foregoing, NOW respectfully requests that the Commission issue an Order acknowledging its Notice of Withdrawal of Its Motion for Determination of Preliminary Matter by the Prehearing Officer or, in the alternative, by the Commission Panel.

Submitted, this 16<sup>th</sup> day of August, 2000.

NOW COMMUNICATIONS, INC.

By:

*Charles J. Pellegrini*  
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Its Attorneys

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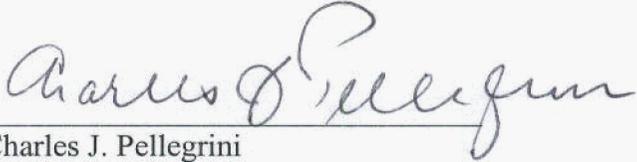
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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been served by hand delivery this 16th day of August, 2000, on the following:

Mr. Michael Goggin  
c/o Ms. Nancy H. Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Suite 400  
Tallahassee, Florida 32301-1556

Mr. Tim Vaccaro  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
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Charles J. Pellegrini