

ORIGINAL

MCWHIRTER REEVES
ATTORNEYS AT LAW

TAMPA OFFICE:
400 NORTH TAMPA STREET, SUITE 2450
TAMPA, FLORIDA 33602
P. O. BOX 3350 TAMPA, FL 33601-3350
(813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:

TALLAHASSEE

TALLAHASSEE OFFICE:
117 SOUTH GADSDEN
TALLAHASSEE, FLORIDA 32301
(850) 222-2525
(850) 222-5606 FAX

February 5, 2001

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

RECEIVED-FPSC
01 FEB -5 AM 11:03
RECORDS AND REPORTING

Re: Docket No.: 001275-TP

Dear Ms. Bayo:

On behalf of Network Telephone Corporation, enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ **Network Telephone Corporation's Notice of Withdrawal of Complaint.**

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

Yours truly,

Joe McGlothlin
Joseph A. McGlothlin

JAM/kmr
APP Enclosures
CAF _____
CMP _____
COM 5
CTR _____
EGR _____
LEG 1
OPC _____
PAI _____
RGO _____
SEC 1
SER _____
OTH None

RECEIVED & FILED
[Signature]
FPSC-BUREAU OF RECORDS

MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, DECKER, KAUFMAN, ARNOLD & SEEN, P.A.

DOCUMENT NUMBER-DATE

01 FEB -5

FPSC-RECORDS/REPORTING

Done 2/07/01

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Network Telephone
Corporation against Sprint - Florida, Inc.

Docket No.: 001275-TP
Date Filed: February 5, 2001

**NETWORK TELEPHONE CORPORATION'S NOTICE OF
WITHDRAWAL OF COMPLAINT**

Network Telephone Corporation ("Network Telephone"), through its undersigned counsel, gives notice of the withdrawal of its Complaint in this docket, and states:

1. On August 31, 2000 Network Telephone Corporation filed the Complaint that initiated this docket. Network Telephone's Complaint was premised on the refusal of Sprint-Florida, Inc. ("Sprint") to allow Network Telephone to collocate certain integrated network equipment (the "Data Shelf" component of Lucent Technologies' PathStar Access Server) necessary to access unbundled elements in Sprint's central offices.

2. As a result of several factors that developed following the filing of the complaint, Network Telephone now intends to configure its network with equipment other than the "Data Shelf" of the PathStar Access Server. Accordingly, the Complaint that initiated this proceeding has been rendered moot. For this reason, Network Telephone hereby withdraws its Complaint and request for hearing.

3. Network Telephone emphasizes that by this withdrawal it does not abandon its position regarding its right under the Telecommunications Act of 1996 and other applicable law to collocate integrated, multifunctional network equipment in an ILEC's central office if the equipment is used to access unbundled network elements. Network Telephone reserves the right to seek appropriate

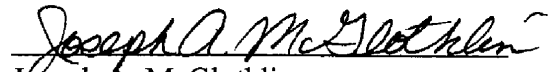
DOCUMENT NUMBER-DATE

01583 FEB-5 01

FPSC-RECORDS/REPORTING

relief in the event Sprint fails to meet its collocation obligation with respect to other network equipment.

WHEREFORE, Network Telephone hereby withdraws its complaint against Sprint-Florida, Inc.


Joseph A. McGlothlin
McWhirter, Reeves, McGlothlin, Davidson,
Decker, Kaufman, Arnold & Steen, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
Telephone: (850) 222-2525
Fax: (850) 222-5606

Attorneys for Network Telephone Corporation

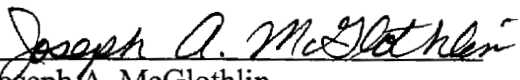
CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of Network Telephone Corporation's Notice of Withdrawal of Complaint has been furnished by hand delivery(*) on February 5, 2001 to:

*Lee Fordham
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

*Susan Masterton
Sprint-Florida, Incorporated
1313 Blair Stone Road
Tallahassee, Florida 32301

*John P. Fons
Ausley & McMullen
227 South Calhoun Street
Tallahassee, Florida 32301


Joseph A. McGlothlin