

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of ALEC, Inc.
d/b/a Volaris Telecom, Inc. for
enforcement of interconnection
agreement with Sprint-Florida,
Incorporated and request for
relief.

DOCKET NO. 020099-TP
ORDER NO. PSC-03-0503-FOF-TP
ISSUED: April 17, 2003

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

ORDER ACKNOWLEDGING WITHDRAWAL OF COMPLAINT

BY THE COMMISSION:

On February 5, 2002, ALEC, Inc. f/k/a Metrolink (ALEC) d/b/a Volaris Telecom, Inc., a subsidiary of Duro Communications Corp., filed a complaint against Sprint-Florida, Inc. d/b/a/ Sprint (Sprint) requesting relief and enforcement of the current Interconnection Agreement between ALEC and Sprint. The parties' agreement at issue here was submitted to this Commission in Docket No. 010877-TP and went into effect by operation of law on September 20, 2001. The dispute involved the obligations under which the companies transport traffic to points of interconnection. A hearing was held on August 7, 2002. Post-hearing briefs were submitted in September. In January, the parties requested time to negotiate a settlement. On March 12, 2003 ALEC filed a notice of dismissal of complaint.

The law is clear that the plaintiff's right to take a voluntary dismissal is absolute. Fears v. Lunsford, 314 So. 2d 578, 579 (Fla. 1975). It is also established civil law that once a timely voluntary dismissal is taken, the trial court loses its

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jurisdiction to act. Randle-Eastern Ambulance Service, Inc. v. Vasta, 360 So.2d 68,69 (Fla. 1978). Therefore, we acknowledge ALEC's notice of dismissal of complaint, and find that the voluntary dismissal renders any and all outstanding motions moot. There being no other matters for consideration, this Docket shall be closed.

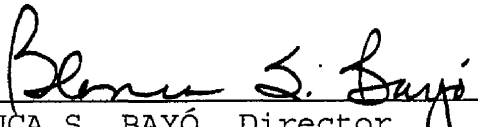
Based on the foregoing, it is therefore,

ORDERED that ALEC, Inc. f/k/a Metrolink (ALEC) d/b/a Volaris Telecom, Inc.'s notice of dismissal of complaint is hereby acknowledged. It is further

ORDERED that the voluntary dismissal renders any and all outstanding motions moot. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 17th day of April, 2003.



BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

LHD

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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, 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 and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.