

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of NewSouth  
Communications Corp. for  
enforcement of interconnection  
agreement with Sprint-Florida,  
Incorporated, and request for  
relief.

DOCKET NO. 030457-TP  
ORDER NO. PSC-03-1344-FOF-TP  
ISSUED: November 25, 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 VOLUNTARY DISMISSAL

BY THE COMMISSION:

On May 23, 2003, NewSouth Communications Corp. (NewSouth) filed a Complaint for enforcement of an Interconnection agreement with Sprint-Florida, Inc. (Sprint). On June 17, 2003, Sprint filed an Answer to NewSouth's Complaint. The matter was set for an administrative hearing.

On September 16, 2003, the parties filed a Joint Motion for Extension of Time to file their direct testimony. The basis cited for the motion was that on August 28, 2003, the parties engaged in mediation in the presence of a Commission mediator and reached a conceptual settlement of the issues disputed in this docket. The parties stated that they anticipated that the agreement would be executed and the obligations required of each party under the agreement would be completed in the near future, at which time NewSouth would dismiss its complaint that is the subject of this docket. By Order No. PSC-03-1024-PCO-TP, issued September 17, 2003, the motion was granted.

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On October 1, 2003, NewSouth filed its Notice of Voluntary Dismissal pursuant to Rule 1.420(1), Florida Rules of Civil Procedures.

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 jurisdiction to act. Randle-Eastern Ambulance Service, Inc. v. Vasta, 360 So.2d 68, 69 (Fla. 1978).

Since there are no remaining issues in dispute between the parties in this docket, we acknowledge NewSouth's Notice of Voluntary Dismissal of its Petition, and find that the voluntary dismissal renders any and all outstanding motions moot. Additionally, all confidential materials filed in this Docket shall be returned to the filing party.

Based on the foregoing, it is

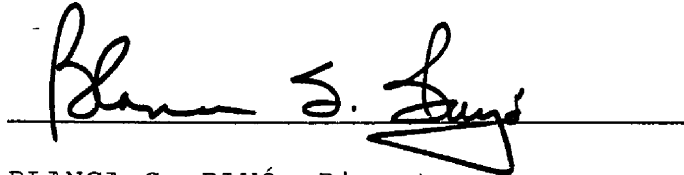
ORDERED by the Florida Public Service Commission that NewSouth Communications Corp.'s Notice of Voluntary Dismissal is hereby acknowledged. It is further

ORDERED that any and all outstanding motions in this Docket are rendered moot. Additionally, all confidential materials filed in this Docket shall be returned to the filing party.

ORDERED that this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 25th  
Day of November, 2003.

A handwritten signature in black ink, appearing to read "Blanca S. Bayó", is written over a horizontal line. The signature is cursive and somewhat stylized.

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

( S E A L )

FRB

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

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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.