

ORIGINAL
RUTLEDGE, ECENIA, PURNELL & HOFFMAN

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA
RICHARD M. ELLIS
KENNETH A. HOFFMAN
THOMAS W. KONRAD
MICHAEL G. MAIDA
MARTIN P. McDONNELL
J. STEPHEN MENTON

POST OFFICE BOX 551, 32302-0551
215 SOUTH MONROE STREET, SUITE 420
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788
TELECOPIER (850) 681-6515

R. DAVID PRESCOTT
HAROLD F. X. PURNELL
MARSHA E. RULE
GARY R. RUTLEDGE
GOVERNMENTAL CONSULTANTS
MARGARET A. MENDUNI
M. LANE STEPHENS

January 28, 2004

Ms. Blanca Bayo, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

HAND DELIVERY

Re: Docket No. 040018-TP

Dear Ms. Bayo:

Please find enclosed for filing an original and fifteen copies of US LEC of Florida Inc.'s ("US LEC") Notice of Dismissal of Complaint of US LEC against BellSouth Telecommunications, Inc. for Unauthorized Discontinuance of Service and Notice of Dismissal of Petition for Emergency Order Restoring Service.

Please acknowledge receipt of these items by stamping the extra copy of this letter "filed" and returning the copy to me. Thank you for your assistance with this filing.

RECEIVED & FILED

Sincerely,

Jh

FPSC-BUREAU OF RECORDS *Martin P. McDonnell*
Martin P. McDonnell

MPM/rl
Enclosures
USLEC\bayo.jan211tr

AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC 1
OTH _____

RECEIVED - FPSC
01 JAN 28 AM 11:37
COMMISSION
CLERK

DOCUMENT NUMBER-DATE

01250 JAN 28 04

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Complaint of US LEC of Florida)
Inc. against BellSouth Telecommunications,)
Inc. for unauthorized discontinuance of)
service and Petition for Emergency Order)
restoring service.)
_____)

Docket No. 040018-TP

Filed: January 28, 2004

**NOTICE OF DISMISSAL OF
COMPLAINT OF US LEC OF FLORIDA INC.
AGAINST BELL SOUTH TELECOMMUNICATIONS, INC.
FOR UNAUTHORIZED DISCONTINUANCE OF SERVICE AND
NOTICE OF DISMISSAL OF PETITION
FOR EMERGENCY ORDER RESTORING SERVICE**

Comes now US LEC of Florida Inc., ("US LEC") pursuant to Rule 28-106.201, Florida Administrative Code and by and through undersigned counsel, hereby files its Notice of Dismissal of the Complaint of US LEC of Florida Inc. against BellSouth Telecommunications, Inc. for Unauthorized Discontinuance of Service and Notice of Dismissal of Petition for Emergency Order Restoring Service and states:

1. BellSouth Telecommunications, Inc. ("BellSouth") and US LEC have resolved the issues underlying the Complaint and Petition filed in the instant docket.

2. On or about January 26, 2004, BellSouth restored its query of the US LEC CNAM Database and began providing to BellSouth customers called by US LEC of Florida customers, and that subscribed to BellSouth Deluxe Caller ID, the US LEC customer name and number.

WHEREFORE, US LEC notices the Commission of dismissal of its Complaint against BellSouth for Unauthorized Discontinuance of Service without prejudice, and notices the Commission of dismissal of US LEC's Petition for Emergency Order Restoring Service, without prejudice, and respectfully requests that the Commission issue an order closing this docket.

DOCUMENT NUMBER - 1

01250 JAN 28

FPSC-COMMISSION CL

Respectfully submitted,

Martin P. McDonnell

Kenneth A. Hoffman, Esq.
Martin P. McDonnell, Esq.
Rutledge, Ecenia, Purnell & Hoffman, P.A.
P. O. Box 551
Tallahassee, Florida 32302
(850) 681-6788 (Telephone)
(850) 681-6515 (Telecopier)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served on the following this 28th day of January, 2004:

Nancy Sims
BellSouth Telecommunications, Inc.
150 South Monroe Street
Suite 400
Tallahassee, Florida 32301

Martin P. McDonnell

Martin P. McDonnell, Esq.

uslec\calleriddismssal