

Eric Fryson

From: Garcia, Nicki [NGarcia@gunster.com]
Sent: Thursday, August 09, 2012 2:44 PM
To: Filings@psc.state.fl.us
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Subject: Electronic Filing - Docket No. 090538-TP

Attachments: Dkt No. 090538-TP PSC Electronic Filing 8-9-12.pdf

Attached is an electronic filing for the docket referenced below. If you have any questions, please contact Matt Feil at the number below. Thank you.

Person Responsible for Filing:

Matthew Feil
 Gunster Law Firm
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Docket Name and Number: Docket No. 090538-TP – Amended Complaint of Qwest Communications Company, LLC against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); XO Communications Services, Inc.; tw telecom of florida, l.p.; Granite Telecommunications, LLC; Broadwing Communications, LLC; Access Point, Inc.; Birch Communications, Inc.; Budget Prepay, Inc.; Bullseye Telecom, Inc.; DeltaCom, Inc.; Ernest Communications, Inc.; Flatel, Inc.; Navigator Telecommunications, LLC; PaeTec Communications, Inc.; STS Telecom, LLC; US LEC of Florida, LLC; Windstream Nuvox, Inc.; and John Does 1 through 50, for unlawful discrimination.

Filed on Behalf of: PaeTec Communications, Inc., US LEC of Florida, LLC d/b/a PAETEC Business Services, and Windstream NuVox, Inc.

Total Number of Pages: 4

Description of Documents: Letter



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DOCUMENT NUMBER-DATE

05451 AUG-9 02

FPSC-COMMISSION CLERK

8/9/2012

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August 9, 2012

VIA ELECTRONIC FILING

Ms. Ann Cole
Director
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 090538-TP - Amended Complaint of Qwest Communications Company, LLC against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); XO Communications Services, Inc.; tw telecom of florida, l.p.; Granite Telecommunications, LLC; Broadwing Communications, LLC; Access Point, Inc.; Birch Communications, Inc.; Budget Prepay, Inc.; Bullseye Telecom, Inc.; DeltaCom, Inc.; Ernest Communications, Inc.; Flatel, Inc.; Navigator Telecommunications, LLC; PaeTec Communications, Inc.; STS Telecom, LLC; US LEC of Florida, LLC; Windstream Nuvox, Inc.; and John Does 1 through 50, for unlawful discrimination.

Dear Ms. Cole:

Please be advised that PaeTec Communications, Inc.; US LEC of Florida, LLC d/b/a PAETEC Business Services; and Windstream NuVox, Inc. ("Windstream Companies") have reached an agreement in principle with Qwest Communications Company, LLC d/b/a CenturyLink QCC ("QCC") whereby the Windstream Companies will be dismissed from this proceeding. The Windstream Companies expect that a notice of dismissal should be filed in the near future.

In consideration of the agreement in principle, the Windstream Companies have not filed rebuttal testimony today, the date established by the Order Establishing Procedure for filing rebuttal in this case. QCC has informed the Windstream Companies that QCC's rebuttal testimony, being filed today will not address QCC claims against the Windstream Companies. Both QCC and the Windstream Companies have agreed to take this approach to rebuttal testimony as the most efficient means for conserving their own and the commission's resources pending the referenced dismissal of the Windstream Companies. Both QCC and the Windstream

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Companies believe that, in the unlikely event it becomes clear that dismissal will not be forthcoming, they will seek permission to file/supplement rebuttal testimony at a later date.

Thank you for your assistance with this filing. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Feil", with a large, stylized flourish at the end.

Matthew Feil

MJF/

c: Persons on attached Certificate of Service

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the following by email, and/or U.S. Mail this 9th day of August, 2012.

Lee Eng Tan Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 ltan@psc.state.fl.us	Ms. Bettye Willis 13560 Morris Rd., Suite 2500 Milton, GA 30004 Bettye.j.willis@windstream.com
Mr. Greg Diamond Broadwing Communications, Inc. c/o Level 3 Communications 1025 Eldorado Boulevard Broomfield, CO 80021-8869 Greg.Diamond@level3.com	Mr. David Bailey BullsEye Telecom, Inc. 25925 Telegraph Road, Suite 210 Southfield, MI 48033-2527 dbailey@bullseyetelecom.com
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Granite Telecommunications, LLC 100 Newport Avenue Extension Quincy, MA 02171-1734 rcurrier@granitenet.com	Andrew M. Klein/Allen C. Zoracki Klein Law Group 1250 Connecticut Ave. NW, Suite 200 Washington, DC 20036 AKlein@kleinlawPLLC.com azoracki@kleinlawpllc.com
Marsha Rule Rutledge Law Firm Post Office Box 551 Tallahassee, FL 32302 marsha@reuphlaw.com	David Stotelmyer Navigator Telecommunications, LLC. P.O. Box 13860 North Little Rock, AR 72113 david@navtel.com

<p>Adam L. Sherr Qwest Communications Company, LLC 1600 7th Avenue, Room 1506 Seattle, WA 98191 <u>Adam.Sherr@centurylink.com</u></p>	<p>Susan S. Masterton, Esq. CenturyLink QCC 315 S. Calhoun Street, Suite 500 Tallahassee, FL 32301 <u>susan.masterton@centurylink.com</u></p>
<p>Budget PrePay, Inc. Lakisha Taylor 1325 Barksdale Blvd., Suite 200 Bossier City, LA 71111-4600 <u>davidd@budgetprepay.com</u></p>	<p>Ms. Carolyn Ridley tw telecom of florida l.p. 2078 Quail Run Drive Bowling Green, KY 42104 <u>Carolyn.Ridley@twtelecom.com</u></p>
<p>Jessica Miller Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399 <u>JEMiller@psc.state.fl.us</u> <u>BSalak@psc.state.fl.us</u></p>	<p>Ms. Rebecca A. Edmonston Verizon Access Transmission Services 106 East College Avenue, Suite 710 Tallahassee, FL 32301-7721 <u>rebecca.edmonston@verizon.com</u></p>
<p>Dulaney L. O'Roark III Verizon Florida, LLC 5055 North Point Parkway Alpharetta, GA 30022 678-259-1657 (phone) 678-259-5326 (fax) <u>de.oroark@verizon.com</u> <u>richard.b.severy@verizon.com</u></p>	<p>Ed Krachmer Windstream NuVox, Inc. 4001 Rodney Parham Road MS: 1170-B1F03-53A Little Rock, AR 72212 <u>Edward.Krachmer@windstream.com</u></p>

By: 
Matthew Feil, Esq.