

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for arbitration concerning complaint of US LEC of Florida Inc. against BellSouth Telecommunications, Inc. regarding breach of terms of interconnection agreement and request for relief.

DOCKET NO. 990874-TP
ORDER NO. PSC-02-0121-FOF-TP
ISSUED: January 28, 2002

The following Commissioners participated in the disposition of this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

ORDER ACKNOWLEDGING NOTICE OF WITHDRAWAL OF COMPLAINT

BY THE COMMISSION:

On July 2, 1999, US LEC of Florida, Inc. (US LEC) filed a Complaint against BellSouth Telecommunications, Inc. (BellSouth) alleging breach of the terms of an interconnection agreement between the parties. On July 22, 1999, BellSouth filed its Answer and Response to Complaint of US LEC of Florida, Inc. By Order No. PSC-99-2144-PCO-TP, Order on Procedure, issued November 1, 1999, the procedures were established and the controlling dates set.

On April 17, 2000, the parties filed a Consent Motion to Continue Hearing, wherein they stated that the interests of judicial economy would be served by continuing the case to enable them to litigate all issues in dispute in the course of a single hearing. Specifically, on March 30, 2000, US LEC requested in its Motion to Strike Portions of Pre-Filed Testimony or, in the Alternative, to Stay Portion of Pending Hearing that the portion of the hearing relating to the reciprocal compensation rate be stayed pending the Commission's ruling on the rate issue in a separate docket, Docket No. 991534-TP. By Order No. PSC-00-0952-PCO-TP, issued on May 15, 2000, the parties' Consent Motion to Continue Hearing was granted which rendered US LEC's March 30, 2000, filing moot.

DOCUMENT NO.
01015-02

ORDER NO. PSC-02-0121-FOF-TP
DOCKET NO. 990874-TP
PAGE 2

On December 22, 2000, US LEC filed an Agreed Motion for Continuance. By Order No. PSC-01-0145-PCO-TP, issued January 18, 2001, the Agreed Motion for Continuance was granted. On September 18, 2001, US LEC filed a Motion for Leave to File Supplemental Direct and Rebuttal Testimony. Sometime after this motion was filed, counsel for US LEC advised our staff that parties anticipated that an agreement would be reached in this docket. Thereafter, on October 24, 2001, US LEC filed a Notice of Withdrawal of Second Amended Complaint.

Since there are no remaining issues in dispute between the parties in this docket, we find it appropriate to acknowledge US LEC's Notice of Voluntary Withdrawal of its Second Amended Complaint. Further, we find that US LEC's Motion for Leave to File Supplemental Direct and Rebuttal Testimony, filed September 18, 2001, is rendered moot by US LEC's voluntary withdrawal of its complaint.

The Commission is vested with jurisdiction in this matter pursuant to Section 252 of the Telecommunications Act of 1996.

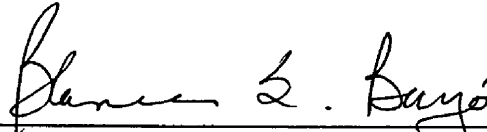
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that US LEC of Florida, Inc.'s Notice of Voluntary Withdrawal of its Second Amended Complaint against BellSouth Telecommunications, Inc. is hereby acknowledged. It is further

ORDERED that US LEC of Florida, Inc.'s Motion for Leave to File Supplemental Direct and Rebuttal Testimony is rendered moot.

ORDER NO. PSC-02-0121-FOF-TP
DOCKET NO. 990874-TP
PAGE 3

By ORDER of the Florida Public Service Commission this 28th
day of January, 2002.



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 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.