

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by BellSouth
Telecommunications, Inc. against
MCI WorldCom Communications,
Inc. regarding practices in
reporting of percentage
interstate usage for
compensation for jurisdictional
access services.

DOCKET NO. 020420-TP
ORDER NO. PSC-02-0957-FOF-TP
ISSUED: July 15, 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 VOLUNTARY DISMISSAL WITHOUT PREJUDICE
OF BELLSOUTH'S COMPLAINT AGAINST WORLDCOM

BY THE COMMISSION:

On May 14, 2002, BellSouth Telecommunications, Inc. (BellSouth) filed its Complaint against WorldCom, Inc. (WorldCom) regarding WorldCom's practices in reporting its percentage interstate usage for compensation for jurisdictional access services. Along with its Complaint, BellSouth filed a Notice of Intent to Request Confidential Classification regarding certain portions of the Complaint. On June 4, 2002, WorldCom filed its Motion to Dismiss BellSouth's Complaint. Also, on June 4, 2002, BellSouth filed its Request for Specified Confidential Classification regarding certain portions of its complaint. On June 10, 2002, BellSouth filed its Motion for Extension of Time to respond to WorldCom's Motion to Dismiss.

By Order No. PSC-02-0822-PCO-TP, issued June 14, 2002, BellSouth was granted a ten-day extension in which to file its response. On June 21, 2002, BellSouth filed a Notice of Voluntary Dismissal Without Prejudice of its Complaint against WorldCom.

DOCUMENT NUMBER-DATE

07268 JUL 15 02

FPSC-COMMISSION CLERK

ORDER NO. PSC-02-0957-FOF-TP
DOCKET NO. 020420-TP
PAGE 2

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). Therefore, we acknowledge BellSouth's withdrawal of its Complaint against WorldCom, and find that the voluntary dismissal renders any and all outstanding motions moot.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that BellSouth Telecommunications, Inc.'s Notice of Voluntary Dismissal Without Prejudice of its Complaint against WorldCom, Inc. is hereby acknowledged. It is further

ORDERED that any and all outstanding motions are rendered moot. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 15th day of July, 2002.

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

By:

Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

PAC

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.