

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for arbitration of unresolved issues resulting from negotiations with Sprint-Florida, Incorporated for interconnection agreement, by AT&T Communications of the Southern States, LLC d/b/a AT&T and TCG South Florida.

DOCKET NO. 030296-TP
ORDER NO. PSC-03-1197-FOF-TP
ISSUED: October 22, 2003

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

ORDER ACKNOWLEDGING VOLUNTARY DISMISSAL OF PETITION

BY THE COMMISSION:

On March 24, 2003, AT&T Communications of the Southern States, LLC and TCG South Florida (AT&T) filed a petition pursuant to Section 252(b)(1) of the Telecommunications Act of 1996 (the Act) for arbitration of unresolved issues relating to AT&T's negotiations with Sprint-Florida, Incorporated (Sprint) for an interconnection agreement. On April 21, 2003, Sprint filed its response.

Sprint filed a Motion to Compel on July 15, 2003, requesting that AT&T be compelled to answer Interrogatories Nos. 3 through 15 of Sprint's First Set of Interrogatories to AT&T. On July 22, 2003, AT&T filed its response, and additionally, a Motion for Protective Order and a Motion in Limine. On July 28, 2003, Sprint filed its Response to AT&T's Motion for Protective Order and Motion in Limine. The parties presented oral arguments on the Motions at the prehearing conference.

On August 29, 2003, Sprint filed a Second Motion to Compel, requesting that AT&T be compelled to answer Sprint's Second Set of Interrogatories Nos. 19, 20, 22, 23, 24, and 28 for the same

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reasons stated in its original Motion to Compel. On September 5, 2003, AT&T filed a second Motion for Protective Order, renewing its previous motion, and asked that the Protective Order also include Sprint's potential deposition questions for Witness Talbott. On September 8, 2003, AT&T filed its Response to Sprint's Second Motion to Compel. On September 8, 2003, Sprint filed its Response to AT&T's second Motion for Protective Order. No new arguments were included in either response. By Order No. PSC-03-1014-PCO-TP, the Motions to Compel and Motions for Protective Order were granted in part, and denied in part, and the Motion in Limine was denied. Pursuant to Section 252(b) of the Act, this matter was set for hearing on September 18 and 19, 2003.

On September 12, 2003, AT&T filed a 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 AT&T'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

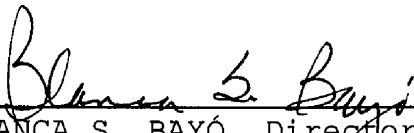
ORDERED by the Florida Public Service Commission that AT&T Communications of the Southern States, LLC and TCG South Florida's Notice of Voluntary Dismissal is hereby acknowledged. It is further

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 22nd
Day of October, 2003.



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

(S E A L)

LHD

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

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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.