

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Joint petition by TDS Telecom d/b/a TDS Telecom/Quincy Telephone; ALLTEL Florida, Inc.; Northeast Florida Telephone Company d/b/a NEFCOM; GTC, Inc. d/b/a GT Com; Smart City Telecommunications, LLC d/b/a Smart City Telecom; ITS Telecommunications Systems, Inc.; and Frontier Communications of the South, LLC ["Joint Petitioners"] objecting to and requesting suspension and cancellation of proposed transit traffic service tariff filed by BellSouth Telecommunications, Inc.

DOCKET NO. 050119-TP

In re: Petition and complaint for suspension and cancellation of Transit Traffic Service Tariff No. FL2004-284 filed by BellSouth Telecommunications, Inc., by AT&T Communications of the Southern States, LLC.

DOCKET NO. 050125-TP  
ORDER NO. PSC-07-0050-FOF-TP  
ISSUED: January 17, 2007

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman  
ISILIO ARRIAGA  
MATTHEW M. CARTER II  
KATRINA J. TEW  
KEN LITTLEFIELD

ORDER ACKNOWLEDGING WITHDRAWAL OF  
MOTIONS FOR CLARIFICATION AND RECONSIDERATION

BY THE COMMISSION:

**I. Case Background**

On September 18, 2006, we issued Order No. PSC-06-0776-FOF-TP (Final Order) rendering its findings on the 18 outstanding issues.

On October 3, 2006, BellSouth filed a Motion for Clarification of the Final Order. Subsequently, on October 10, 2006, TDS Telecom d/b/a TDS Telecom/Quincy Telephone; ALLTEL Florida, Inc.; Northeast Florida Telephone Company d/b/a NEFCOM; GTC, Inc. d/b/a GT Com; Smart City Telecommunications, LLC d/b/a Smart City Telecom; ITS Telecommunications Systems, Inc.; and Frontier Communications of the South, LLC

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(collectively, the Small LECs) filed their Response and Cross-Motions for Clarification and Reconsideration, and the Joint Respondents<sup>1</sup> filed their Response in Opposition to BellSouth's Motion for Clarification. On October 24, 2006, BellSouth filed its Response to the Small LECs' Cross-Motions for Clarification and Reconsideration.

On December 4, 2006, BellSouth filed a letter withdrawing its Motion for Clarification on the basis that it reached transit service arrangements with all the carriers that are parties to these Dockets, and on the understanding that the Small LECs would be withdrawing their Cross-Motions for Clarification and Reconsideration. On December 5, 2006, the Small LECs filed a letter withdrawing their Cross-Motions for Clarification and Reconsideration.

This Order addresses all of the outstanding pleadings in these Dockets. We have jurisdiction in the disposition of this matter pursuant to Section 364.01, Florida Statutes.

## **II. Analysis**

As stated in BellSouth's letter dated December 4, 2006, withdrawing its Motion for Clarification, the parties to these Dockets have reached transit service arrangements with BellSouth. Therefore, it is unnecessary for this Commission to rule on the outstanding Motion for Clarification. Accordingly, we acknowledge BellSouth's withdrawal of its Motion for Clarification.

Similarly, the Small LECs' letter dated December 5, 2006, withdraws their Cross-Motions for Clarification and Reconsideration. Therefore, it is unnecessary for this Commission to rule on the outstanding Cross-Motions for Clarification and Reconsideration. Accordingly, we acknowledge the Small LECs' withdrawal of their Cross-Motions for Clarification and Reconsideration.

## **III. Decision**

With the parties' withdrawal of the pending motions for clarification and reconsideration, there are no further matters for this Commission to adjudicate in these Dockets and, therefore, these Dockets shall be closed.

Based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that BellSouth Telecommunications, Inc.'s withdrawal of its Motion for Clarification is hereby acknowledged. It is further

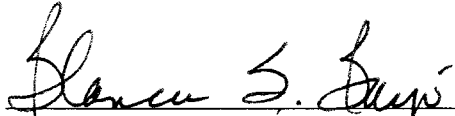
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<sup>1</sup> The Joint Respondents include Sprint Spectrum Limited Partnership, Nextel South Corporation, and Sprint Communications Company Limited Partnership (collectively, Sprint Nextel), T-Mobile, USA, Inc., MetroPCS Florida, LLC, Competitive Carriers of the South, Inc., NuVox Communications, Inc., and the Florida Cable Telecommunications Association.

ORDERED that the Small LECs' withdrawal of their Cross-Motions for Clarification and Reconsideration is hereby acknowledged. It is further

ORDERED that there are no further matters for this Commission to adjudicate in these Dockets and, therefore, these Dockets shall be closed.

By ORDER of the Florida Public Service Commission this 17th day of January, 2007.

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

( S E A L )

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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.