



Public Service Commission
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DATE: JUNE 27, 2002

TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES (BAYÓ)

FROM: OFFICE OF THE GENERAL COUNSEL (CHRISTENSEN) *PAC BK*
DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (J. BROWN) *JLB*

RE: DOCKET NO. 020420-TP - COMPLAINT BY BELLSOUTH
TELECOMMUNICATIONS, INC. AGAINST WORLDCOM, INC. REGARDING
PRACTICES IN THE REPORTING OF PERCENT INTERSTATE USAGE FOR
COMPENSATION FOR JURISDICTIONAL ACCESS SERVICES.

AGENDA: 07/09/02 - REGULAR AGENDA - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\GCL\WP\020420.RCM

CASE BACKGROUND

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

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response. On June 21, 2002, BellSouth filed a Notice of Voluntary Dismissal Without Prejudice of its Complaint against WorldCom.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission acknowledge BellSouth's withdrawal of its Complaint against WorldCom, Inc. and close the docket?

RECOMMENDATION: Yes. The Commission should acknowledge BellSouth's withdrawal of its Complaint against WorldCom, Inc., find that the Voluntary Dismissal renders any and all outstanding motions moot, and close this Docket. **(CHRISTENSEN)**

STAFF ANALYSIS: 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, staff recommends that the Commission acknowledge BellSouth's withdrawal of its Complaint against WorldCom, Inc., and find that the voluntary dismissal renders any and all outstanding motions moot. Staff also recommends that the Docket should be closed.