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January 27, 2004

**BY OVERNIGHT DELIVERY**

Florida Supreme Court  
Attention: Clerk's Office  
500 South Duval Street  
Tallahassee, Florida 32399-1927

COMMISSION  
CLERK

JAN 28 AM 10:30

RECEIVED

Re: *Florida Digital Network, Inc. v. Florida Public Service Commission, et al.*,  
Case No. SC03-1923  
Lower Tribunal Case Nos. 021252-TP, 020119-TP, 020578-TP

Dear Sir/Madam Clerk:

Enclosed please find an original and seven copies of Appellant Florida Digital Network Inc.'s Notice of Voluntary Dismissal.

Please date stamp and return the enclosed extra copy of this filing. Should you have any questions concerning this filing, please do not hesitate to call us.

Respectfully submitted,

Harisha J. Bastiampillai

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Enclosures

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**BEFORE THE SUPREME COURT OF FLORIDA**

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FLORIDA DIGITAL NETWORK, INC.	)	
	)	
Appellant,	)	
	)	
vs.	)	Case No. SC03-1923
	)	
	)	
FLORIDA	)	Lower Tribunal Case Nos.
PUBLIC SERVICE COMMISSION, <i>et al.</i>	)	021252-TP
	)	020119-TP
	)	020578-TP
Appellees.	)	

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**APPELLANT’S NOTICE OF VOLUNTARY DISMISSAL**

Appellant Florida Digital Network, Inc. (“Appellant”), pursuant to Florida Rule of Appellate Procedure 9.350(b), respectfully notifies this Court of its dismissal of the above-captioned appeal.

Respectfully submitted,

*Matth Feil (by HB)*

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Matthew J. Feil (FL Bar No. 0822744)

General Counsel

Florida Digital Network, Inc.

390 North Orange Avenue

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Orlando, FL 32801-1640

Tel: (407) 486-5921

Fax: (407) 835-0309

Dated: January 27, 2004

Attorney for Florida Digital Network,  
Inc.

### **CERTIFICATE OF COMPLIANCE**

I HEREBY CERTIFY that the foregoing has been prepared using Times  
New Roman 14-point font.

*Matth Feil (by HB)*

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Matthew Feil

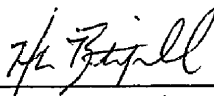
## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Notice of Voluntary Dismissal was furnished to the following parties by overnight delivery on January 27, 2004.

Ms. Blanca Bayó, Director  
The Commission Clerk and Administrative Services  
Room 110, Easley Building  
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2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

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\_\_\_\_\_  
Harisha Bastiampillai