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August 1, 2005

Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Docket No. 041170-TP  
Complaint Against Verizon Florida Inc. and Request for Declaratory Ruling  
By Bright House Networks Information Services, LLC (Florida)

Dear Ms. Bayó:

Enclosed are an original and 15 copies of a Stipulation of Dismissal for filing in the above matter. Service has been made as indicated on the Certificate of Service. If there are any questions regarding this filing, please contact me at 813-483-1256.

Sincerely,

*Leigh A. Hyer* <sup>RW</sup>

Leigh A. Hyer

LAH:tas  
Enclosures

DOCUMENT NUMBER-DATE

07409 AUG-1 8

FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that copies of the Stipulation of Dismissal in Docket No. 041170-TP were sent via U.S. mail on August 1, 2005 to the parties on the attached list.

*Leigh A. Hyer* *RW*  
\_\_\_\_\_  
Leigh A. Hyer

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint against Verizon Florida Inc. and  
request for declaratory ruling by Bright House  
Networks Information Systems, LLC (Florida)


Docket No. 041170-TP

**STIPULATION OF DISMISSAL**

Bright House Networks Information Services, LLC (Florida) (“BHN”), Verizon Florida, Inc. (“Verizon”) and the Attorney General of the State of Florida (the “Attorney General”) stipulate as follows:

1. In March 2005, the FCC clarified that when an incumbent LEC receives a request for number portability on a line that also provides DSL-service to a customer, “it is required to observe the same rules, including provisioning intervals, as any other LEC.” In the Matter of BellSouth Telecommunications, Inc. Request for Declaratory Ruling that State Commissions May Not Regulate Broadband Internet Access Services by Requiring BellSouth to Provide Wholesale or Retail Broadband Services to Competitive LEC UNE Voice Customers, WC Docket No. 03-251, *Memorandum Opinion And Order And Notice Of Inquiry* (released March 25, 2005) at ¶ 36. .
2. In accordance with this FCC ruling, when a Verizon customer with DSL-based services on the line seeks to port his or her telephone number to BHN for use in connection with BHN’s facilities-based voice service, Verizon will do so without requiring the customer to terminate DSL service with Verizon..
3. In these circumstances, BHN, Verizon, and the Attorney General agree that BHN’s complaint may be dismissed and this proceeding terminated. As a plaintiff, BHN has an absolute right to take a voluntary dismissal. *Fears v. Lundsford*, 314 So. 2d 578, 579 (Fla. 1975). This dismissal is without prejudice to any party’s position on any legal and/or regulatory issue raised or potentially raised by the pleadings in this case.

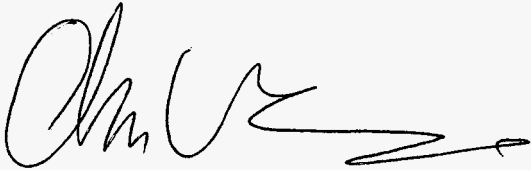
For these reasons, BHN, Verizon and the Attorney General respectfully request that the Commission acknowledge this dismissal and administratively close this docket.



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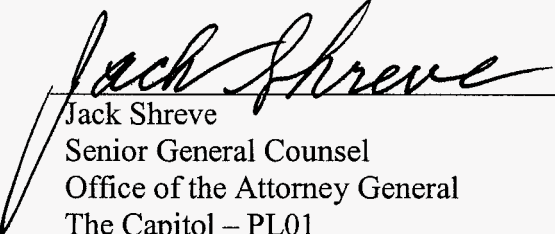
*Counsel for:* Verizon Florida, Inc.



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Attorney General, State of Florida

Dated: July 29, 2005