

Marguerite Lockard

ORIGINAL

From: Ann Cole
Sent: Monday, August 13, 2007 12:57 PM
To: Marguerite Lockard; Kimberley Pena
Subject: FW: Case No. 4:05cv132-SPM/AK Supra v. BellSouth and PSC, U. S. District Court for the Northern District of Florida
Attachments: Document1.wpd.pdf

041269-TP

attached is fyi.

From: David Smith
Sent: Monday, August 13, 2007 9:45 AM
To: Commission Suite; Directors - ALL; GCL - Attorneys; David Dowds
Subject: Case No. 4:05cv132-SPM/AK Supra v. BellSouth and PSC, U. S. District Court for the Northern District of Florida

Attached is Judge Mickle's Order of Dismissal in the above case. The case arose from Supra's challenge to the Commission's order implementing the TRRO's requirement that local switching be phased out as a UNE (Order NO. PSC-05-0492-FOF-TP, May 5, 2005). Supra sought a temporary and permanent injunction to prevent BellSouth from amending its interconnection agreement consistent with the FCC's order. As noted by the court, the case was held in abeyance pending a ruling by the 11th Circuit Court of Appeals. That ruling upheld the Commission's and BellSouth's interpretation the TRRO that as of March 11, 2005, there would be no "new adds" of local switching as a UNE. The local switching phase-out has long since been resolved on a national basis and rates only a footnote in the long struggle to implement the Telecom Act of 1996.

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- SEC _____
- OTH _____

*Marguerite
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FPSC-COMMISSION CLERK

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

SUPRA TELECOMMUNICATIONS
AND INFORMATION SYSTEMS, INC.,
Plaintiff,

vs.

CASE NO.: 4:05cv132-SPM/AK

BELLSOUTH TELECOMMUNICATIONS,
INC., et al.,
Defendants.

ORDER OF DISMISSAL

On Plaintiff Supra's motion (doc. 33), this case was held in abeyance pending resolution of the appeal in Eleventh Circuit case number 05-11880. Supra represented that it would notify the Court when the appeal was resolved and advise whether any further proceedings would be needed in this case.

The appeal was resolved against Supra's position on September 15, 2005. Bell South Communications, Inc. v. MCIMeto Access Transmission Services, LLC, 425 F.3d. 964 (11th Cir. 2005). Supra has not requested any further proceedings.

Based on the foregoing, this case is dismissed for lack of prosecution.

SO ORDERED this 9th day of August, 2007.

s/ Stephan P. Mickle

Stephan P. Mickle
United States District Judge

DOCUMENT NUMBER-DATE

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