

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of BLC Management, LLC
d/b/a Angles Communication Solutions against
BellSouth Telecommunications, Inc. d/b/a
AT&T Florida d/b/a AT&T Southeast and
request that Commission take jurisdiction over
complaint for limited purpose of ordering
parties to maintain status quo pending outcome
of complaint in Tennessee.

DOCKET NO. 070387-TP
ORDER NO. PSC-07-1001-FOF-TP
ISSUED: December 12, 2007

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
MATTHEW M. CARTER II
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

ORDER GRANTING AGREED MOTION TO DISMISS, WITH PREJUDICE

BY THE COMMISSION:

I. Case Background

On June 25, 2007, BLC Management, LLC d/b/a Angles Communication Solutions (Angles) filed its Complaint against BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast (AT&T) and request we take jurisdiction over the complaint for the limited purpose of ordering parties to maintain status quo pending the outcome of a complaint in Tennessee. AT&T filed its Response on July 20, 2007. On August 22, 2007, a conference call was held between the parties and our staff to discuss how this matter should proceed.

On October 16, 2007, Angles filed its Agreed Motion to Dismiss, with prejudice.

II. Analysis and Decision

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). In its Motion, Angles states that the parties' billing and collection dispute has been settled to the satisfaction of both parties. Accordingly, we hereby grant Angles' Agreed Motion to Dismiss, with prejudice.

DOCUMENT NUMBER-DATE

10851 DEC 12 5

FPSC-COMMISSION CLERK

There are no further matters for the Commission to adjudicate in this docket and, therefore, it shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that BLC Management, LLC d/b/a Angles Communication Solutions' Agreed Motion to Dismiss, with prejudice is granted. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 12th day of December, 2007.



ANN COLE
Commission Clerk

(S E A L)

AJT

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 Office of Commission Clerk, 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 Office of Commission Clerk, 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.