

**Ruth Nettles**

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**From:** Keating, Beth [beth.keating@akerman.com]  
**Sent:** Thursday, June 12, 2008 12:08 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Docket No. 070408  
**Attachments:** 20080612120700395.pdf

Attached for filing in the referenced Docket, please find Neutral Tandem's Notice of Voluntary Dismissal of Petition. Thank you for your assistance, and please do not hesitate to let me know if you have any questions.

Sincerely,

Beth Keating  
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(850) 224-9634  
(850) 521-8002 (direct)  
beth.keating@akerman.com

A.  
Beth Keating  
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b. Docket No. 070408-TP: Petition of Neutral Tandem, Inc. and Neutral Tandem-Florida, LLC for resolution of Interconnection Dispute with Level 3 Communications and Request for Expedited Resolution

C. On behalf of Neutral Tandem, Inc. and Neutral Tandem-Florida, LLC

D. Number of Pages: 4

E. Notice of Voluntary Dismissal of Petition



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FPSC-COMMISSION CLERK



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June 12, 2008

**VIA ELECTRONIC FILING**

Ms. Ann Cole  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32309

**Docket No. 070408-TP - Petition of Neutral Tandem, Inc. and Neutral Tandem-Florida, LLC  
for Resolution of Interconnection Dispute with Level 3 Communications and Request for  
Expedited Resolution**

Dear Ms. Cole:

Enclosed for electronic filing in the above-referenced Docket, please find Neutral Tandem's  
Notice of Voluntary Dismissal of Petition.

Thank you for assistance in this matter. If you have any questions whatsoever, please do not  
hesitate to contact me.

Sincerely,

**Beth Keating**  
**AKERMAN SENTERFITT**  
106 East College Avenue, Suite 1200  
Tallahassee, FL 32302-1877  
Phone: (850) 224-9634  
Fax: (850) 222-0103

Enclosures

{TL156779;1}

DOCUMENT NUMBER-DATE

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**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition of Neutral Tandem, Inc. and )	Docket No. 070408-TP
Neutral Tandem-Florida, LLC )	
for Resolution of Interconnection Dispute )	Filed: June 12, 2008
with Level 3 Communications and Request )	
for Expedited Resolution )	

**NEUTRAL TANDEM'S NOTICE OF VOLUNTARY DISMISSAL OF PETITION**

Petitioner, Neutral Tandem, Inc. and Neutral Tandem-Florida, LLC (collectively "Neutral Tandem"), hereby respectfully submits this Notice of Voluntary Dismissal, without prejudice, of its Petition in this Docket. By this Notice, Neutral Tandem withdraws its Petition filed July 11, 2007, and respectfully requests that this Docket be closed. In support of this Notice, Neutral Tandem states the following:

1. Neutral Tandem and Level 3 Communications have reached a negotiated settlement of the dispute that served as the basis for Neutral Tandem's complaint.
2. The negotiated settlement between Neutral Tandem and Level 3 resolves all issues currently before the Commission for resolution in this proceeding.
3. Neutral Tandem is authorized to represent that Level 3 agrees that voluntary dismissal, without prejudice, is appropriate in this circumstance. Neutral Tandem is further authorized to represent that Level 3 no longer requires a ruling on its pending Motion for Interim Compensation and its Amended Motion for Interim Compensation and agrees that said Motion and Amended Motion may be deemed moot with no ruling on the merits.
4. The Florida Commission has recognized, time and again, the right of a petitioner to take a voluntary dismissal is absolute, and that once the voluntary dismissal is taken, the trial court, in this instance the Commission, loses its jurisdiction to act. See Order No. PSC-02-1559-

Docket No. 070408-1P

FOF-TP; Order No. PSC-01-0082-FOF-EI; Order No. PSC-07-0485-FOF-EI; *citing* Fears v. Lunsford, 314 So. 2d 578, 579 (Fla. 1975); and Randle-Eastern Ambulance Service, Inc. v. Vasta, Elena, etc., 360 So. 2d 68, 69 (Fla. 1978).


**THEREFORE**, Neutral Tandem hereby respectfully requests that the Commission take the following action:

1. Accept this Notice of Voluntary Dismissal, without prejudice;
2. Decm all pending Motions moot and thus, not requiring a ruling;
3. Return all confidential materials to the respective parties; and
4. Close this Docket.

Respectfully submitted,

NEUTRAL TANDEM, INC.

By:

  
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*Attorneys for Neutral Tandem, Inc. and  
Neutral Tandem-Florida, LLC*

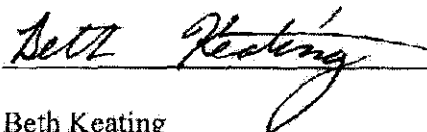
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via Electronic Mail and Hand Delivery to Martin McDonnell, Esquire, Rutledge, Eckenia, Purnell, and Hoffman, P.A., 215 South Monroe Street, Suite 420, Tallahassee, FL 32301, and that an electronic copy has also been provided to the persons listed below on June 12, 2008:

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