

Eric Fryson

From: Galloway, Cecilia (Cissy) [CGalloway@gunster.com]
Sent: Thursday, June 14, 2012 2:52 PM
To: Filings@psc.state.fl.us
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Subject: RE: PSC Filing Dkt 090538-TP - Birch Communications, Inc. Letter to Clerk
Attachments: Dkt 090538-TP BCI-AIN PSC LTR 6-14.pdf

The attached is an electronic filing for the docket referenced below. If you have any questions, please contact Matt Feil at the number below. Thank you.

Person Responsible for Filing:

Matthew Feil
 Gunster Law Firm
 215 South Monroe Street, Suite 601
 Tallahassee, FL 32301
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Docket Name and Number: Docket No. 090538-TP – Amended Complaint of Qwest Communications Company, LLC against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); XO Communications Services, Inc.; tw telecom of florida, l.p.; Granite Telecommunications, LLC; Broadwing Communications, LLC; Access Point, Inc.; Birch Communications, Inc.; Budget Prepay, Inc.; Bullseye Telecom, Inc.; DeltaCom, Inc.; Ernest Communications, Inc.; Flatel, Inc.; Lightyear Network Solutions, LLC; Navigator Telecommunications, LLC; PaeTec Communications, Inc.; STS Telecom, LLC; US LEC of Florida, LLC; Windstream Nuvox, Inc.; and John Does 1 through 50, for unlawful discrimination.

Filed on Behalf of: Birch Communications, Inc.

Total Number of Pages: 5

Description of Documents: Birch Communications, Inc. Letter to PSC Clerk

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PSC-COMMISSION CLERK

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FLORIDA'S LAW FIRM FOR BUSINESS

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June 14, 2012

VIA ELECTRONIC FILING

Ms. Ann Cole, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 090538-TP - Amended Complaint of Qwest Communications Company, LLC against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); XO Communications Services, Inc.; tw telecom of florida, l.p.; Granite Telecommunications, LLC; Broadwing Communications, LLC; Access Point, Inc.; Birch Communications, Inc.; Budget Prepay, Inc.; Bullseye Telecom, Inc.; DeltaCom, Inc.; Ernest Communications, Inc.; Flatel, Inc.; Lightyear Network Solutions, LLC; Navigator Telecommunications, LLC; PaeTec Communications, Inc.; STS Telecom, LLC; US LEC of Florida, LLC; Windstream Nuvox, Inc.; and John Does 1 through 50, for unlawful discrimination.

Dear Ms. Cole:

Please be advised that Birch Communications, Inc., *f/k/a* Access Integrated Networks, Inc. (BCI/AIN) has reached an agreement in principle with Qwest Communications Company, LLC d/b/a CenturyLink QCC ("QCC") for BCI/AIN to be dismissed from this proceeding. BCI/AIN expects that a notice of dismissal should be filed in the near future.

In consideration of the agreement in principle, BCI/AIN has not filed direct testimony today, the date established by the Order Establishing Procedure for filing direct testimony in this case. QCC has informed BCI/AIN that QCC's direct testimony, being filed today, likewise will not address any QCC claims against BCI/AIN. Both QCC and BCI/AIN agreed to take this approach to direct testimony as the most efficient means for conserving their own and the commission's resources pending the referenced dismissal of BCI/AIN. Both QCC and BCI/AIN believe that, in the unlikely event it becomes clear that dismissal will not be forthcoming, they will seek permission to file/supplement direct testimony at a later date.

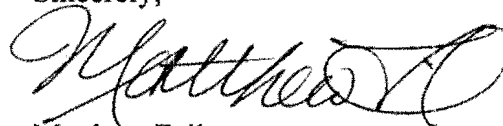
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Ms. Ann Cole, Commission Clerk
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Thank you for your assistance with this filing. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Feil". The signature is written in a cursive style with a large, looping initial "M".

Matthew Feil

MJF/

c: Persons on attached Certificate of Service

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the following by email, and/or U.S. Mail this 14th day of June, 2012.

Lee Eng Tan Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 ltan@psc.state.fl.us	Eric J. Branfman/Philip J. Macres Bingham Law Firm 2020 K Street, NW Washington, DC 20006 eric.branfman@bingham.com Philip.macres@bingham.com
Mr. Chris Bunce Birch Communications, Inc. 2300 Main Street, Suite 600 Kansas City, MO 64108-2415 Chris.bunce@birch.com	Mr. Greg Diamond Broadwing Communications, Inc. c/o Level 3 Communications 1025 Eldorado Boulevard Broomfield, CO 80021-8869 Greg.Diamond@level3.com
Richard Brown Access Point, Inc. 1100 Crescent Green, Suite 109 Cary, NC 27511 Richard.brown@accesspointinc.com	Mr. David Bailey BullsEye Telecom, Inc. 25925 Telegraph Road, Suite 210 Southfield, MI 48033-2527 dbailey@bullseyetelecom.com
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Ernest Communications, Inc. 5275 Triangle Parkway, Suite 150 Norcross, GA 30092-6511 lhaag@ernestgroup.com	Flatel, Inc. c/o Adriana Solar Executive Center, Suite 100 2300 Palm Beach Lakes Blvd. West Palm Beach, FL 33409-3307 asolar@flatel.net
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<p>Adam L. Sherr Qwest Communications Company, LLC 1600 7th Avenue, Room 1506 Seattle, WA 98191 Adam.Sherr@centurylink.com</p>	<p>Susan S. Masterton, Esq. CenturyLink QCC 315 S. Calhoun Street, Suite 500 Tallahassee, FL 32301 susan.masterton@centurylink.com</p>
<p>Budget PrePay, Inc. Lakisha Taylor 1325 Barksdale Blvd., Suite 200 Bossier City, LA 71111-4600 davidd@budgetprepay.com</p>	<p>Marsha Rule Rutledge Law Firm Post Office Box 551 Tallahassee, FL 32302 marsha@reuphlaw.com</p>
<p>Ms. Kristin U. Shulman XO Communications 810 Jorie Blvd., Suite 200 Oak Brook, IL 60523 kris.shulman@xo.com</p>	<p>Laura King Division of Regulatory Analysis Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399 lking@psc.state.fl.us</p>
<p>Dulaney L. O'Roark III Verizon Florida, LLC 5055 North Point Parkway Alpharetta, GA 30022 678-259-1657 (phone) 678-259-5326 (fax) de.oroark@verizon.com</p>	<p>Ms. Carolyn Ridley tw telecom of florida l.p. 2078 Quail Run Drive Bowling Green, KY 42104 Carolyn.Ridley@twtelecom.com</p>
<p>Pennington Law Firm Howard Adams P.O. Box 10095 Tallahassee, FL 32302 gene@penningtonlaw.com</p>	<p>Ms. Rebecca A. Edmonston Verizon Access Transmission Services 106 East College Avenue, Suite 710 Tallahassee, FL 32301-7721 rebecca.edmonston@verizon.com</p>

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By: 
Matthew Feil, Esq.