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Sent: Wednesday, July 11, 2012 3:35 PM
To: Filings@psc.state.fl.us
Cc: Masterton, Susan S; Sherr, Adam
Subject: 090538 QCC Notice of Voluntary Dismissal-Birch
Attachments: 090538-TP Revised Notice of Voluntary Dismissal Birch 7-11-12.pdf

Filed on Behalf of: Susan S. Masterton
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Docket No. 090538

Title of filing: Notice of Voluntary Dismissal With Prejudice of Birch Communications, Inc.

Filed on behalf of: CenturyLink QCC

No of pages: 5

Description: Notice of Voluntary Dismissal With Prejudice of Birch Communications, Inc.

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DOCUMENT NUMBER-DATE

04620 JUL 11 2012

FPSC-COMMISSION CLERK

7/11/2012

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Amended Complaint of Qwest Communications Company, LLC against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); tw telecom of florida, l.p.; Granite Telecommunications, LLC; Broadwing Communications, LLC; 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.

DOCKET NO. 090538-TP

DATED: July 11, 2012

NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE OF BIRCH COMMUNICATIONS, INC.

Qwest Communications Company, LLC d/b/a CenturyLink QCC ("QCC"), by and through its undersigned counsel, hereby files this voluntary dismissal with prejudice of its claims in this Complaint against Birch Communications, Inc. ("Birch"). QCC files this voluntary dismissal of Birch based on QCC's and Birch's execution of a Confidential Settlement Agreement and Release, included with this Notice as Exhibit A.¹ The Agreement resolves, among other issues, the issues raised by QCC in its Amended Complaint as they relate to Birch.

¹ A copy of Exhibit A with the entire document redacted is attached to this Notice. An unredacted copy of Exhibit A is being filed with the Commission under a separate Claim of Confidentiality on this same day. A copy of the Exhibit, unredacted except for the settlement amount and terms related to other disputes, will be provided to Parties who have executed a nondisclosure agreement with QCC.

DOCUMENT NUMBER-DATE

04620 JUL 11 2012

FPSC-COMMISSION CLERK

RESPECTFULLY SUBMITTED on this 11th day of July, 2012.

/s/ Susan S. Masterton
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ATTORNEYS FOR QWEST COMMUNICATIONS
COMPANY, LLC D/B/A CENTURYLINK QCC

CONFIDENTIAL SETTLEMENT AGREEMENT & RELEASE
(REDACTED)

**CERTIFICATE OF SERVICE
DOCKET NO. 090538-TP**

I hereby certify that a true and correct copy of the foregoing has been served upon the following by electronic mail delivery and/or U.S. Mail this 11th day of July, 2012.

<p>Florida Public Service Commission Theresa Tan Office of General Counsel 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 ltan@psc.state.fl.us</p>	<p>Division of Regulatory Analysis Jessica Miller Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399 JEMiller@psc.state.fl.us</p>
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<p>BullsEye Telecom, Inc. David Bailey 25925 Telegraph Road, Suite 210 Southfield, MI 48033-2527 dbailey@bullseyetelecom.com</p>	<p>Broadwing Communications, LLC Rutledge Law Firm Marsha E. Rule P.O. Box 551 Tallahassee, FL 32302-0551 marsha@reuphlaw.com</p>
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/s/ Susan S. Masterton
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