

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); 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.; 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
ORDER NO. PSC-12-0546-PCO-TP
ISSUED: October 16, 2012

ORDER ACKNOWLEDGING VOLUNTARY DISMISSAL WITH PREJUDICE OF
BROADWING COMMUNICATIONS, LLC AND MCIMETRO ACCESS TRANSMISSION
SERVICE LLC D/B/A VERIZON ACCESS TRANSMISSION SERVICES

Qwest Communications Company, LLC (QCC) filed a complaint on December 11, 2009, alleging rate discrimination in connection with the provision of intrastate switched access services. QCC was granted leave to file an Amended Complaint on October 22, 2010, adding additional Respondents. On October 15, 2012, QCC filed Notices of Voluntary Dismissal with Prejudice of Broadwing Communications, LLC (Broadwing) and MCImetro Access Transmission Service LLC d/b/a Verizon Access Transmission Services (Verizon Access) stating that the parties had reached Settlement Agreements. QCC further states that the Settlement Agreements resolve the issues raised by QCC in its amended complaint as they relate to Broadwing and Verizon Access.

This matter is set for a formal administrative hearing and will continue with the remaining parties. The remaining parties are tw telecom of florida, l.p.; Bullseye Telecom, Inc.; Ernest Communications, Inc.; Flatel, Inc.; and, Navigator Telecommunications, LLC. Given the Settlement Agreements between QCC and both Broadwing and Verizon Access, I find it appropriate to acknowledge the voluntary dismissal with prejudice of Broadwing Communications, LLC and MCImetro Access Transmission Service LLC d/b/a Verizon Access Transmission Services.

Based on the foregoing, it is

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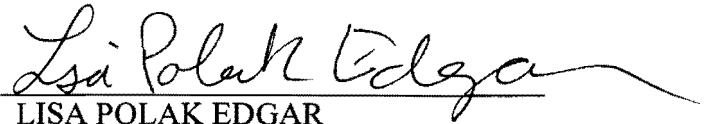
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ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that the Voluntary Dismissal With Prejudice of Broadwing Communications, LLC is hereby acknowledged. It is further

ORDERED that the Voluntary Dismissal With Prejudice of MCImetro Access Transmission Service LLC d/b/a Verizon Access Transmission Services is hereby acknowledged.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 16th day of October, 2012.



LISA POLAK EDGAR
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-

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22.0376, 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 or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.