

Fort Lauderdale
Jacksonville
Los Angeles
Madison
Miami
New York
Orlando
Tallahassee
Tampa
Tysons Corner
Washington, DC
West Palm Beach

Suite 1200
106 East College Avenue
Tallahassee, FL 32301
www.akerman.com
850 224 9634 *tel* 850 222 0103 *fax*

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,

A handwritten signature in black ink that reads "Beth Keating". The signature is written in a cursive style and is positioned above a horizontal line.

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

Enclosures

**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-TP

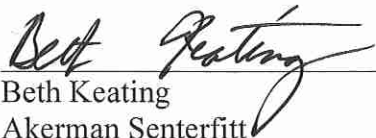
FOF-TP; Order No. PSC-01-0082-FOF-EI; Order No. PSC-07-0485-FOF-EI; *citing* Fears v. Lunsford, 314 So. 2d 578, 579 (Fla. 1975); and Randle-Eastern Ambulance Service, Inc. v. Vasta, Elena, etc., 360 So. 2d 68, 69 (Fla. 1978).

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

1. Accept this Notice of Voluntary Dismissal, without prejudice;
2. Deem 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: 
Beth Keating
Akerman Senterfitt
106 East College Avenue, Suite 1200
P.O. Box 1877 (32302)
Tallahassee, Florida 32301
(850) 521-8002
beth.keating@akerman.com

John R. Harrington
Jenner & Block LLP
330 N. Wabash Ave.
Suite 4700
Chicago, IL 60611
(312) 222-9350
jharrington@jenner.com

Christopher M. Kise
Foley & Lardner, LLP
106 East College Ave., Suite 900
Tallahassee, FL 32301
(850) 513-3367
ckise@foley.com

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

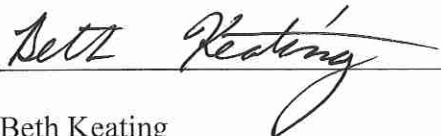
CERTIFICATE OF SERVICE

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, Ecenia, 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:

Gregg Strumberger, Esquire
Gregory Rogers, Esquire
Level 3 Communications, Inc.
1025 El Dorado Boulevard
Broomfield, CO 80021
Gregg.Strumberger@level3.com

Rick Mann, Staff Counsel
Florida Public Service Commission,
Office of the General Counsel
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
rmann@psc.state.fl.us

Beth Salak, Director/Division of Competitive Markets and Enforcement
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
bsalak@psc.state.fl.us

By:  _____

Beth Keating
Akerman Senterfitt
106 East College Avenue, Suite 1200
P.O. Box 1877 (32302)
Tallahassee, Florida 32301
Tel : (850) 521-8002
Fax: (850) 222-0103
beth.keating@akerman.com