

Eric Fryson

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Sent: Monday, October 15, 2012 3:07 PM
To: Filings@psc.state.fl.us
Cc: Masterton, Susan S; Sherr, Adam
Subject: 090538 Notice of Voluntary Dismissal-Broadwing
Attachments: 090538 Notice of Voluntary Dismissal-Broadwing.pdf

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

Title of filing: Notice of Voluntary Dismissal With Prejudice – Broadwing Communications, LLC

Filed on behalf of: CenturyLink QCC

No of pages: 5

Description: Notice of Voluntary Dismissal With Prejudice-Broadwing Communications, LLC

Roberta Cooper

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DOCUMENT NUMBER-DATE

06996 OCT 15 2012

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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.; Broadwing Communications, LLC; BullsEye Telecom, Inc.; Ernest Communications, Inc.; Flatel, Inc.; Navigator Telecommunications, LLC; and John Does 1 through 50, for unlawful discrimination.

DOCKET NO. 090538-TP
DATED: October 15, 2012

NOTICE OF VOLUNTARY DISMISSAL
WITH PREJUDICE OF BROADWING COMMUNICATIONS, LLC

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 Broadwing Communications, LLC (“Broadwing”). QCC files this voluntary dismissal of Broadwing based on QCC’s and Broadwing’s execution of a Confidential Settlement Agreement and Release, included with this Notice as Exhibit A.¹ The Agreement resolves the issues raised by QCC in its Amended Complaint as they relate to Broadwing.

¹ A redacted copy of Exhibit A 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 payment terms, will be provided to Parties who have executed a nondisclosure agreement with QCC.

DOCUMENT NUMBER-DATE
06996 OCT 15 2012
FPSC-COMMISSION CLERK

RESPECTFULLY SUBMITTED on this 15th day of October, 2012.

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

EXHIBIT A

CONFIDENTIAL SETTLEMENT AGREEMENT & RELEASE
(REDACTED)

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 15th day of October, 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>
<p>Ernest Communications, Inc. 5275 Triangle Parkway, Suite 150 Norcross, GA 30092-6511 lhaag@ernestgroup.com</p>	<p>Broadwing Communications, LLC Michael J. Shortley, III Vice President – Legal Level 3 Communications 225 Kenneth Drive Rochester, New York, 14623 michael.shortley@level3.com</p>
<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 119 South Monroe Street, Suite 202 Tallahassee, FL 32302 marsha@reuphlaw.com † <i>Confidential Documents provided in accordance with signed Protective Agreement</i></p>
<p>Verizon Florida LLC Dulaney L. O’Roark III 5055 North Point Parkway Alpharetta, GA 30022 de.oroark@verizon.com † <i>Confidential Documents provided in accordance with signed Protective Agreement</i></p>	<p>Flatel, Inc. c/o Adriana Solar Executive Center, Suite 100 2300 Palm Beach Lakes Blvd. West Palm Beach, FL 33409-3307 asolar@flatel.net</p>
<p>Navigator Telecommunications, LLC David Stotelmyer 8525 Riverwood Park Drive North Little Rock, AR 72113</p>	<p>Verizon Access Transmission Services Rebecca A. Edmonston 106 East College Avenue, Suite 710 Tallahassee, FL 32301-7721 rebecca.edmonston@verizon.com</p>
<p>Klein Law Group Andrew M. Klein/Allen C. Zoracki 1250 Connecticut Ave. NW, Suite 200 Washington, DC 20036 AKlein@kleinlawPLLC.com azoracki@kleinlawpllc.com † <i>Confidential Documents provided in accordance with signed Protective Agreement</i></p>	<p>Gunster, Yoakley & Stewart, P.A. Matthew J. Feil 215 South Monroe Street, Suite 601 Tallahassee, FL 32301 mfeil@gunster.com † <i>Confidential Documents provided in accordance with signed Protective Agreement</i></p>

TW Telecom of Florida L.P. Carolyn Ridley 2078 Quail Run Drive Bowling Green, KY 42104 <u>Carolyn.Ridley@twtelecom.com</u>	
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/s/ Susan S. Masterton
Susan S. Masterton