

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

JACOR CONTRACTING, INC.,)	
)	
Complainant,)	
)	
v.)	
)	
NUVOX COMMUNICATIONS OF)	
MISSOURI, INC.,)	<u>Case No. CC-2009-0128</u>
)	
and)	
)	
SOUTHWESTERN BELL COMMUNICATIONS)	
COMPANY D/B/A AT&T MISSOURI,)	
)	
Respondents.)	

**NOTICE ACKNOWLEDGING DISMISSAL OF COMPLAINT
AND CLOSING CASE**

Issue Date: April 20, 2009

On October 9, 2008, JACOR Contracting, Inc., (“JACOR”), filed a complaint with the Commission against NuVox Communications of Missouri, Inc. (“NuVox”) and Southwestern Bell Communications Company d/b/a AT&T Missouri (“AT&T Missouri”). On October 21, 2008, AT&T Missouri filed a request for mediation. Also on October 21, NuVox filed a response to AT&T Missouri’s request indicating it was willing to mediate this dispute. On November 3, 2008, JACOR agreed to mediation and the Commission appointed a neutral mediator. Mediation concluded without settlement and the procedural schedule for responses to the complaint was resumed.

On February 13, 2009,¹ AT&T Missouri and Nuvox filed their answers to the complaint and moved the Commission to dismiss JACOR's complaint for failure to state a claim upon which relief could be granted. On that same date, AT&T Missouri filed a cross-claim against Nuvox and Nuvox filed a cross-complaint against AT&T Missouri. On February 23, AT&T Missouri and Nuvox responded to each other's cross-claims and the Commission's Staff filed a report of its investigation into the complaint. Staff's report indicated that it may have a separate complaint forthcoming regarding potential violations of Section 392.200, RSMo 2000.

The Commission held a prehearing conference on March 9, and following that conference, the parties requested a stay in the proceeding to resume negotiations. On April 17, JACOR filed a Stipulation of Dismissal, wherein it stated that it dismisses, with prejudice, its claims against NuVox and Southwestern Bell Telephone Company d/b/a/ AT&T Missouri ("AT&T Missouri").

Commission Rule 4 CSR 240-2.116(1) permits a complainant to voluntarily dismiss a complaint without an order of the Commission at any time before prepared testimony has been filed or oral evidence has been offered by filing a notice of dismissal and serving a copy on all parties. No prepared testimony or oral evidence has been offered in this case, and having filed his notice in the Commission's Electronic Filing and Information System all parties have been served with the stipulation. Therefore, the Commission acknowledges that JACOR has voluntarily dismissed its complaint. Nothing remains for decision by the Commission and this case shall be closed.

¹ All dates following this date refer to the year 2009 unless otherwise noted.

(S E A L)

Dated at Jefferson City, Missouri,
on this 20th day of April, 2009.

Stearley, Senior Regulatory Law Judge,

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written in a cursive style.

Colleen M. Dale
Secretary