

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Petition of MCImetro Access Transmission Services,)
L.L.C. d/b/a Verizon Access Transmission Services)
for Arbitration of an Interconnection Agreement with) **Case No. TO-2008-0037**
Embarq Missouri, Inc. d/b/a Embarq Under Section)
252(b) of the Telecommunications Act of 1996)

ORDER DISMISSING PETITION FOR ARBITRATION, EFFECTIVE IMMEDIATELY

Issue Date: December 13, 2007

Effective Date: December 13, 2007

On November 30, 2007,¹ MCImetro Access Transmission Services, L.L.C. d/b/a Verizon Access Transmission Services (“Verizon”) filed a Notice of Dismissal of its petition for arbitration pursuant to Commission Rule 4 CSR 240-2.116(1). Verizon Access served a copy of its voluntary dismissal on all parties to this matter.

On December 11, the Commission issued an order noting that since direct testimony had been filed in the case prior to the filing of the Notice for Dismissal that Verizon could not dismiss without leave of the Commission or without the consent of the adverse party, Embarq Missouri, Inc. (“Embarq”).² In that same order, the Commission found good cause to dismiss, and granted leave to dismiss, because no party objected to the dismissal, and it appeared that the parties had entered into, and that the Commission had approved, another interconnection agreement presumably resolving any issues between the parties.³ The Commission set a ten-day effective date on the order dismissing to give any party an

¹ All dates throughout this order refer to the year 2007 unless otherwise noted.

opportunity to respond.

On December 12, Embarq filed a pleading acknowledging its consent to Verizon's Notice of Dismissal and moved the Commission to dismiss the case. Because Embarq has filed its consent, there is no reason to prolong the dismissal until December 21, the effective date set in the Commission's December 11 order dismissing the action.

IT IS ORDERED THAT:

1. MCImetro Access Transmission Service, L.L.C. d/b/a Verizon Access Transmission Services' Petition for Arbitration for an Interconnection Agreement, filed on August 8, 2007, is hereby dismissed.
2. This order shall be effective on December 13, 2007 at 12:00 noon.
3. This case may be closed on December 14, 2007.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Harold Stearley, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 13th day of December, 2007.

² See Commission Rule 4 CSR 240-2.116(1).

³ See Case Number TK-2008-0133.