

NuVox Communications of Missouri, Inc.,
Complainant,
v.
Southwestern Bell Communications Company
d/b/a AT&T Missouri,
Respondents.

Case No. CC-2009-0435

NOTICE ACKNOWLEDGING DISMISSAL OF APPLICATION AND
CLOSING CASE

Issue Date: October 29, 2009

On June 5,¹ NuVox Communications of Missouri, Inc. (“NuVox”) filed a complaint with the Commission against Southwestern Bell Communications Company d/b/a AT&T Missouri (“AT&T Missouri”). On October 29, prior to the filing of any testimony or the admission of any evidence, NuVox filed a Dismissal Memorandum pursuant to Commission Rule 4 CSR 240-2.116(1). NuVox served a copy of its memorandum on all parties.

Commission Rule 4 CSR 240-2.116(1) provides:

An applicant or complainant may voluntarily dismiss an application or 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 with the commission and serving a copy on all parties. Once evidence has been offered or prepared testimony filed, an applicant or complainant may dismiss an action only by leave of the commission, or by written consent of the adverse parties.

NuVox's memorandum is in compliance with the Commission's rule. Therefore, the Commission acknowledges that NuVox has voluntarily dismissed its complaint without

prejudice. Nothing remains for decision by the Commission and this case may be closed.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. C. Reed', is positioned above the printed name and title.

Steven C. Reed
Secretary

(S E A L)

Dated at Jefferson City, Missouri,
on this 29th day of October, 2009.

Stearley, Senior Regulatory Law Judge

¹ All dates throughout this order refer to the year 2008 unless otherwise noted.