

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Staff of the Public Service Commission)
of the State of Missouri,)

Complainant,)

v.)

American Fiber Network, Inc.,)

Respondent.)

Case No. TC-2007-0345

NOTICE ACKNOWLEDGING VOLUNTARY DISMISSAL OF COMPLAINT
AND CLOSING CASE

Issue Date: May 7, 2007

The Staff of the Missouri Public Service Commission filed a formal complaint against American Fiber Network, Inc. ("American Fiber") on March 22, 2007. On April 18, 2007, Staff moved for leave to dismiss its complaint against American Fiber with prejudice. The Commission granted Staff's motion by order dated April 26, 2007. On May 7, 2007, prior to the filing of any prepared testimony or the submission of any oral evidence, Staff filed with the Commission and served on all parties a Notice of Dismissal, in which it requested that the Commission acknowledge the Notice and close the case pursuant to the Commission's order of April 26, 2007.¹

¹ As an alternative basis for dismissal, Staff cited Commission Rule 4 CSR 240-2.116(1), which permits a complainant to voluntarily dismiss his 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."

Accordingly, the Commission acknowledges that Staff has voluntarily dismissed its March 22, 2007 complaint against American Fiber with 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 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Dated at Jefferson City, Missouri,
on this 7th day of May, 2007.

Lane, Regulatory Law Judge