

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

Duke Manufacturing Co.,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>Case No. TC-2008-0191</u></b>
	)	
McLeodUSA Telecommunications	)	
Services, Inc. d/b/a PAETEC Business	)	
Services,	)	
	)	
Respondent.	)	

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

Issue Date: May 7, 2008

Duke Manufacturing Co. ("Duke") filed a formal complaint against McLeodUSA Telecommunications Services, Inc. d/b/a PAETEC Business Services ("McLeod") on December 11, 2007. On May 6, 2008, prior to the filing of any prepared testimony or the submission of any oral evidence, Duke filed its Notice of Dismissal Without Prejudice pursuant to 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."

No prepared testimony or oral evidence has been offered in this case, and the Notice has been filed with the Commission and served on all parties. Therefore, the Commission acknowledges that Duke has voluntarily dismissed its complaint against

McLeod without prejudice pursuant to 4 CSR 240-2.116(1).<sup>1</sup> Nothing remains for decision by the Commission and this case may be closed.

( S E A L )

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

Dated at Jefferson City, Missouri,  
on this 7th day of May, 2008.

Lane, Regulatory Law Judge

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<sup>1</sup> Although complainants often state the reason for a voluntary dismissal in their Notice of Dismissal, Duke did not do so here. The Commission's understanding is that the parties were able to negotiate a settlement.