

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint against Verizon Florida Inc. and request for declaratory ruling by Bright House Networks Information Systems, LLC (Florida)	Docket No. 041170-TP
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STIPULATION OF DISMISSAL

Bright House Networks Information Services, LLC (Florida) (“BHN”), Verizon Florida, Inc. (“Verizon”) and the Attorney General of the State of Florida (the “Attorney General”) stipulate as follows:

1. In March 2005, the FCC clarified that when an incumbent LEC receives a request for number **portability on a line that also provides DSL-service to a customer**, “it is required to observe the same rules, including provisioning intervals, as any other LEC.” In the Matter of BellSouth Telecommunications, Inc. Request for Declaratory Ruling that State Commissions May Not Regulate Broadband Internet Access Services by Requiring BellSouth to Provide Wholesale or Retail Broadband Services to Competitive LEC UNE Voice Customers, WC Docket No. 03-251, *Memorandum Opinion And Order And Notice Of Inquiry* (released March 25, 2005) at ¶ 36. .
2. In accordance with this FCC ruling, when a Verizon customer with DSL-based services on the line seeks to port his or her telephone number to BHN for use in connection with BHN’s facilities-based voice service, Verizon will do so without requiring the customer to terminate DSL service with Verizon..
3. In these circumstances, BHN, Verizon, and the Attorney General agree that BHN’s complaint may be dismissed and this proceeding terminated. As a plaintiff, BHN has an absolute right to take a voluntary dismissal. *Fears v. Lundsford*, 314 So. 2d 578, 579 (Fla.

1975). This dismissal is without prejudice to any party's position on any legal and/or regulatory issue raised or potentially raised by the pleadings in this case.

For these reasons, BHN, Verizon and the Attorney General respectfully request that the Commission acknowledge this dismissal and administratively close this docket.

<p>Leigh A. Hyer Vice President & General Counsel -- Southeast Region Verizon Legal Department 201 N. Franklin St. -- FLTC0717 Tampa, Florida 33602 Tel: 813-483-1256 Fax: 813-204-8870</p> <p><i>Counsel for:</i> Verizon Florida, Inc.</p>	<p>Christopher W. Savage Cole, Raywid & Braverman, LLP 1919 Pennsylvania Ave. NW, Suite 200 Washington, DC 20006 (tel) 202-659-9750 (fax) 202-452-0067</p> <p><i>Counsel for:</i> Bright House Networks Information Services, LLC (Florida)</p>
<p>Jack Shreve Senior General Counsel Office of the Attorney General The Capitol – PL01 Tallahassee, Florida 32399-1050 Tel: (850) 414-3300 Fax: (850) 410-2672</p> <p><i>Counsel for:</i> Charles J. Crist, Jr., Attorney General, State of Florida</p>	
<p>Dated: July 29, 2005</p>	