



FILED

09-04-09

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**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

*Pacific Bell Telephone Company d/b/a
AT&T California (U1001C)*

Complainant,

vs.

Pac-West Telecomm, Inc. (U 5266 C),

Defendant.

Case No. C.08-09-017
(Filed September 16, 2008)

JOINT MOTION TO DISMISS WITH PREJUDICE

Pacific Bell Telephone Company d/b/a AT&T California (“AT&T”) and Pac-West Telecomm, Inc. (“Pac-West”) pursuant to Rule 11.1 of the Rules of Practice and Procedure of the Public Utilities Commission of the State of California (the “Commission”), respectfully and jointly move to dismiss AT&T’s above-captioned Complaint against Pac-West and Pac-West’s First Counterclaim against AT&T, each dismissal to be with prejudice during the remaining period of effectiveness of the current Interconnection Agreement between the Parties.

In support of their Motion, AT&T and Pac-West state as follows:

1. Pac-West and AT&T have fully and finally resolved the issues that were the subject of the Complaint and the First Counterclaim.
2. AT&T and Pac-West no longer seek any determination or relief from the Commission in this proceeding.

3. This Motion is filed for good cause and granting it will serve the interests of the parties, the Commission and the public.

WHEREFORE, based on the foregoing, AT&T and Pac-West respectfully request that the Commission enter an order granting this Motion and dismissing the Complaint and the First Counterclaim with prejudice during the remaining period of effectiveness of the current Interconnection Agreement between the Parties.

Respectfully submitted this 4th day of September, 2009.



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OF THE STATE OF CALIFORNIA**

Pacific Bell Telephone Company d/b/a AT&T)	
California (U1001C))	
)	Case No. C.08-09-017
Complainant,)	(Filed September 16, 2008)
)	
vs.)	
)	
Pac-West Telecomm, Inc. (U 5266 C),)	
)	
Defendant.)	
_____)	

**[PROPOSED]
ORDER GRANTING MOTION TO DISMISS WITH PREJUDICE**

Pursuant to California Public Utilities Commission (“Commission”) Rules of Practice and Procedure (“Rule”) Rule 11.1, Pacific Bell Telephone Company d/b/a AT&T California (“AT&T”) and Pac-West Telecomm, Inc. (“Pac-West”) have filed a joint motion seeking a Commission order dismissing the above-captioned proceeding with prejudice during the remaining period of effectiveness of the current Interconnection Agreement between the Parties.

Good cause having been shown, **IT IS HEREBY RULED** that the Joint Motion to Dismiss with Prejudice is granted.

Dated this _____ day of September, 2009 at San Francisco, California.

Executive Director

CERTIFICATE OF SERVICE

I, Channing Clarkson, certify under penalty of perjury under the laws of the State of California, that the following is true and correct.

I am a citizen of the United States, State of California, am over the age of eighteen, and am not a party to the within cause. On September 4, 2009, I served the following document via electronic mail to the addresses for the parties and state service on the attached California Public Utilities commission's electronic mail service lists for C.08-09-017.

JOINT MOTION TO DISMISS WITH PREJUDICE

Service via e-mail is in accordance with Rule 1.10 of the Commission's Rules of Practice and Procedure. For any party or state service on the service list who has either opted out of electronic mail service, or has not provided an electronic mail address, service was completed via U.S. Mail, by placing a copy of this document in an envelope with postage pre-paid in a facility regularly maintained by the U.S. Postal Service.

Executed this 4th day of September, 2009





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