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November 13, 2012

The Honorable Jocelyn Boyd
Chief Clerk of the Commission
Public Service Commission of South Carolina
Post Office Drawer 11649
Columbia, South Carolina 29211

Re: Complaint and Petition for Relief of BellSouth Telecommunications, Inc. d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Affordable Phone Services, Inc. d/b/a High Tech Communications, Dialtone & More, Inc., Tennessee Telephone Service, LLC d/b/a Freedom Communications USA, LLC, OneTone Telecom, Inc., dPi Teleconnect, LLC and Image Access, Inc., d/b/a New Phone
Docket No. 2010-14-C, Docket No. 2010-15-C, Docket No. 2010-16-C, Docket No. 2010-17-C, Docket No. 2010-18-C, & Docket No. 2010-19-C

Dear Ms. Boyd:

Enclosed for filing are Motions to Dismiss Proceedings and Vacate Directive in the above-referenced matters.

By copy of this letter, I am serving all parties of record with a copy of this pleading as indicated on the attached Certificate of Service.

Sincerely,

Patrick Turner

Patrick W. Turner

PWT/nml
Attachment
cc: All Parties of Record
1049216

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

In Re: BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Affordable Phone Services, Incorporated d/b/a High Tech Communications
Docket No. 2010-14-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Dialtone & More Incorporated
Docket No. 2010-15-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Tennessee Telephone Service, LLC d/b/a Freedom Communications USA, LLC
Docket No. 2010-16-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. OneTone Telecom, Incorporated
Docket No. 2010-17-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. dPi Teleconnect, LLC
Docket No. 2010-18-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Image Access, Incorporated d/b/a New Phone
Docket No. 2010-19-C

MOTIONS TO DISMISS PROCEEDINGS
AND VACATE DIRECTIVE

BellSouth Telecommunications, LLC d/b/a AT&T Southeast d/b/a AT&T South Carolina ("AT&T South Carolina"), Tennessee Telephone Service, Inc., d/b/a Freedom Communications USA LLC ("Freedom"), and OneTone Telecom, Incorporated ("OneTone") respectfully submit the following Motions.

AT&T South Carolina and Freedom jointly move that, in light of Freedom's bankruptcy filing,[1] all claims, demands, counter-claims, and any other matters the Parties have asserted against one another in the above-referenced dockets be dismissed without prejudice to the respective rights of AT&T South Carolina and Freedom to assert any such claims, demands, counter-claims, and any other matters against one another or against third parties in the Bankruptcy Court or other appropriate judicial forum. OneTone does not oppose this joint Motion.

AT&T South Carolina and OneTone jointly move that: (a) all claims, demands, counter-claims, and any other matters AT&T South Carolina and OneTone have asserted against one another in the above-referenced dockets be dismissed with prejudice on the grounds that AT&T South Carolina and OneTone have amicably resolved their disputes; and (b) the Commission vacate as moot and of no precedential value its Directive dated November 9, 2011 in the above-referenced matters. Vacating the Directive dated November 9, 2011 is integral to the resolution of the dispute. Freedom does not oppose this joint Motion.

The South Carolina Office of Regulatory Staff does not oppose these Motions provided that the Directive dated November 9, 2011 issued in the above-referenced dockets is vacated as moot and of no precedential value.

Attachment A is a Proposed Order for the Commission's consideration.

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[1] On August 24, 2010, Freedom filed a Notice of Bankruptcy in this Docket. *Tennessee Telephone Service, LLC*, Debtor, US Bankruptcy Court, Middle District of Tennessee (the "Bankruptcy Court"), Docket No. 3:10-bk-02852, filed August 4, 2010.

BELLSOUTH TELECOMMUNICATIONS, LLC
D/B/A AT&T SOUTHEAST D/B/A AT&T
SOUTH CAROLINA

By: Patrick Turner

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TENNESSEE TELEPHONE SERVICE, LLC
D/B/A FREEDOM COMMUNICATIONS USA,
LLC AND
ONETONE TELECOM, INC.

By: Jack Pringle by pat w/ permission

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OFFICE OF REGULATORY STAFF

By: Nanette Edwards by pat w/ permission

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nsedwar@regstaff.sc.gov

1049203

ATTACHMENT A

ATTACHMENT A TO MOTIONS TO DISMISS AND VACATE
Docket Nos. 2010-14-C to 2010-19-C

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

In Re: BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Affordable Phone Services, Incorporated d/b/a High Tech Communications
Docket No. 2010-14-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Dialtone & More Incorporated
Docket No. 2010-15-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Tennessee Telephone Service, LLC d/b/a Freedom Communications USA, LLC
Docket No. 2010-16-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. OneTone Telecom, Incorporated
Docket No. 2010-17-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. dPi Teleconnect, LLC
Docket No. 2010-18-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Image Access, Incorporated d/b/a New Phone
Docket No. 2010-19-C

PROPOSED ORDER OF DISMISSAL AND VACATUR

Based on the Motions to Dismiss Proceedings and Vacate Directive filed by BellSouth Telecommunications, LLC d/b/a AT&T Southeast d/b/a AT&T South Carolina ("AT&T South Carolina"), Tennessee Telephone Service, Inc., d/b/a Freedom Communications USA LLC ("Freedom"), and OneTone Telecom, Incorporated ("OneTone"),

IT IS HEREBY ORDERED that:

(1) all claims, demands, counter-claims, and any other matters AT&T South Carolina and Freedom have asserted against one another in the above-referenced dockets are dismissed without prejudice to the parties' respective rights to assert any such

claims against one another or against third parties in the Bankruptcy Court or other appropriate judicial forum;

(2) all claims, demands, counter-claims, and any other matters AT&T South Carolina and OneTone have asserted against one another in the above-referenced dockets are dismissed with prejudice on the grounds that the Parties have amicably resolved their disputes;

(3) the Commission's Directive dated November 9, 2011 in Docket Nos. 2010-14-C through 2010-19-C is vacated as moot and of no precedential value;

(4) Docket No. 2010-16-C is closed; and

(5) Docket No. 2010-17-C is closed.

BY ORDER OF THE COMMISSION:

_____
David A. Wright, Chairman

ATTEST:

_____
Randy Mitchell, Vice Chairman
(SEAL)

1049314

STATE OF SOUTH CAROLINA	)	
	)	CERTIFICATE OF SERVICE
COUNTY OF RICHLAND	)	

The undersigned, Nyla M. Laney, hereby certifies that she is employed by the Legal Department for BellSouth Telecommunications, LLC d/b/a AT&T South Carolina ("AT&T") and that she has caused Motions to Dismiss Proceedings and Vacate Directive in Docket Nos. 2010-14-C, 2010-15-C, 2010-16-C, 2010-17-C, 2010-18-C and 2010-19-C to be served upon the following on November 13, 2012:

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(Certified Mail)

Mr. Thomas Biddix
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(Certified Mail)

Registered Agent for Dialtone & More, Inc.
National Registered Agents, Inc.
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(Dialtone & More, Inc.)
(Tennessee Telephone Service, LLC d/b/a Freedom Communications)
(OneTone Telecom, Inc.)
(dPi Teleconnect, L.L.C.)
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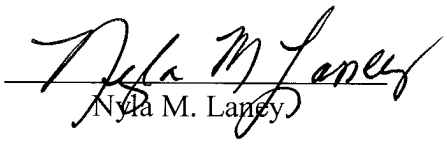

Nyla M. Laney

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