

OHIO BOARD OF TAX APPEALS

UUNET Technologies, Inc.,)	CASE NO. 2005-V-1158
)	
Appellant,)	(PERSONAL PROPERTY TAX)
)	
vs.)	ORDER
)	
Richard A. Levin, Tax Commissioner)	(Returning Appeal to Active Status)
of Ohio,)	
)	
Appellee.)	

APPEARANCES:

For the Appellant -	Jones Day Todd S. Swatsler Phyllis J. Shambaugh 325 John H. McConnell Blvd. Suite 600 Columbus, Ohio 43215
For the Appellee -	Richard Cordray Attorney General of Ohio Bart Hubbard Assistant Attorney General 30 East Broad Street, 25 th Floor Columbus, Ohio 43215

Entered January 27, 2009

This matter is now considered by the Board of Tax Appeals upon a review of its docket, sua sponte. The proceedings in this appeal had previously been stayed by an order issued on September 15, 2006, pending a decision of this board in *MCI Metro Access Transmission Services, LLC*, BTA No. 2004-K-749 and *MCI WorldCom Network Services, Inc.*, BTA No. 2004-K-750. The Board of Tax Appeals issued a decision in BTA Nos. 2004-K-749 and 2004-K-750 on April 13, 2007, which was subsequently appealed to the Tenth District Court of Appeals. On September 30, 2008 the court affirmed this board's decision. See, *MCI Metro Access Transmission*

Services, LLC v. Levin (Sept. 30, 2008), Slip Opinion, Nos. 07Ap-398, 399, 2008-Ohio-5057.

Therefore, the instant appeal is returned to active status.

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