

OHIO BOARD OF TAX APPEALS

Metropolitan Fiber Systems of Columbus,)
MCI WorldCom Network Service, Inc.,)
Brooks Fiber Communications of Ohio, Inc.,) (PUBLIC UTILITY PERSONAL
MCI Metro Access Transmission Services) (PROPERTY TAX)
LLC, Metropolitan Fiber Systems of Ohio,)
)
) ORDER
) Appellants,)
) (Terminating Stay of Proceedings)
) vs.)
)
)
) Richard A. Levin, Tax Commissioner)
of Ohio,)
)
) Appellee.)

UUNet Technologies, Inc.,) CASE NO. 2007-K-448
)
) Appellant,) (PERSONAL PROPERTY TAX)
)
) vs.)
)
)
) Richard A. Levin, Tax Commissioner)
of Ohio,)
)
) Appellee.)

APPEARANCES:

For the Appellants - Jones Day
Todd S. Swatsler
Kerstin Sjoberg-Witt
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Columbus, Ohio 43216-5017

For the Appellee - Richard Cordray
Attorney General of Ohio
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Entered January 13, 2009

At the joint request of the parties, on February 29, 2008, further proceedings in the above-captioned appeals¹ were stayed pending final resolution of *MCI Metro Access Trans. Serv., LLC v. Wilkins* (Apr. 13, 2007), BTA Nos. 2004-K-749, et seq., unreported, appeals then pending before the Tenth District Court of Appeals as Franklin App. Nos. 07APH05-398, et seq., due to claimed similarity of facts and legal issues presented. Thereafter, on September 30, 2008, the Tenth District Court of Appeals affirmed this board's decision in *MCI Metro Access Transm. Servs. v. Levin*, Franklin App. Nos. 07AP-398, et seq., 2008-Ohio-5057.

As it appears the reason warranting stay no longer exists, it is hereby terminated. The Tax Commissioner is directed to immediately certify to this board a transcript of proceedings in compliance with R.C. 5717.02 and Ohio Adm. Code 5717-1-09(A). The parties will hereafter be advised by the board's assignment commissioner of the date when these appeals shall proceed to hearing.

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¹ Although the above-captioned appeals have not been consolidated, given the preliminary procedural issue presented, they have been addressed for purposes of this order.