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BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE 06

IN RE: PETITION OF US LEC
TENNESSEE, INC. FOR DECLARATORY
ORDER

T.R.A. DOCKET ROOM

) DOCKET NO. 02-00890

NOTICE OF SETTLEMENT AND WITHDRAWAL OF PETITION

Come now the parties and jointly file this Notice of Settlement to inform the Tennessee Regulatory Authority that all claims and disputes between the parties have been fully settled as of September 29, 2003.

The parties further state that as a result of the settlement reached between the parties, US LEC of Tennessee, Inc. withdraws and/or voluntarily dismisses its Petition for Declaratory Order filed with the Tennessee Regulatory Authority without objection from Airstream Wireless Services. In conjunction with this withdrawal/dismissal, Airstream will dismiss its cause of action styled *Airstream Wireless Services v. US LEC of Tennessee, Inc.*, Docket No. NO. CH-02-1441-3, and pending in the Chancery Court of Shelby County, Tennessee.

DATED this 7th day of October, 2003

Clinton J. Simpson by GCS
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Henry Walker by GCS (with permission)
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