

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

XO COMMUNICATIONS, INC.,

Appellant,

v.

DEPARTMENT OF REVENUE,
STATE OF FLORIDA,

Appellees.

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION AND
DISPOSITION THEREOF IF FILED.

CASE NO. 1D03-2432

Opinion filed August 12, 2003.

An appeal from an order of the Circuit Court for Leon County.
P. Kevin Davey, Judge.

Michael A. Gruin of Anderson & Gulotta, Harrisburg, PA, and Julie H. Littky-Rubin of Lytal, Reiter, Clark, Fountain & Williams, LLP, West Palm Beach, for appellant.

Charlie Crist, Attorney General, and R. Lynn Lovejoy, Assistant Attorney General, Tallahassee, for appellees.

PER CURIAM.

Having considered the appellant's response to this Court's order, dated June 12, 2003, this appeal is hereby dismissed as premature. See Monticello Ins. Co. v. Thompson, 743 So. 2d 1215 (Fla. 1st DCA 1999); Hoffman v. Hall, 817 So. 2d 1057 (Fla. 1st DCA 2002).

WEBSTER, LEWIS and HAWKES, JJ., concur.