

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
	)	
Informal Complaints filed by MCI, Inc. Against	)	File Nos. EB-04-MDIC-0003 to 0057
Various Local Exchange Carriers	)	File Nos. EB-04-MDIC-0060 to 0064
	)	

**ORDER**

**Adopted: December 9, 2004**

**Released: December 10, 2004**

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On May 12, 2004, pursuant to section 1.716 of the Commission rules,<sup>1</sup> MCI, Inc. (“MCI”) filed informal complaints against the local exchange carriers identified on Attachment A (“Defendants”) in the above-captioned matter. On April 29, 2004, Defendants filed reports pursuant to section 1.717 of the Commission’s rules<sup>2</sup> denying the allegations in MCI’s informal complaints. Pursuant to section 1.718 of the Commission’s rules,<sup>3</sup> MCI was required to convert its informal complaints into formal complaints by October 29, 2004 to ensure that, for purposes of the statute of limitations, the formal complaints related back to the May 12, 2004 filing date of the informal complaints. On October 26, 2003, at the parties’ request, the Commission waived section 1.718 of the Commission’s rules and extended the period in which MCI can convert its informal complaints to formal complaints to December 10, 2004, in order to provide MCI with additional time to try to resolve this matter.<sup>4</sup>

2. On December 7, 2004, MCI filed a second consent motion requesting a further waiver of section 1.718 of the Commission’s rules.<sup>5</sup> In its request, MCI states that it believes “that it will be able to reach a settlement with at least one of the Defendants, but the parties need some additional time to try to work out acceptable language for a written agreement that will satisfy both parties.”<sup>6</sup> MCI further states

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<sup>1</sup> 47 C.F.R. § 1.716.

<sup>2</sup> 47 C.F.R. § 1.717.

<sup>3</sup> 47 C.F.R. § 1.718.

<sup>4</sup> *Informal Complaints filed by MCI, Inc. Against Various Local Exchange Carriers*, Order, DA 04-3394, File Nos. EB-04-MDIC-003 to 0057, 0060 to 0064 (Oct. 26, 2004).

<sup>5</sup> Consent Motion of MCI, File Nos. EB-04-MDIC-0003 to 0057, 0060 to 0064 (filed Dec. 7, 2004) (“*Consent Motion*”).

<sup>6</sup> *Consent Motion* at 2.

that, in the event that it is able to work out mutually acceptable language with one of the Defendants, it “may encourage the other Defendants to join in the settlement and obviate their involvement in further FCC proceedings on this matter.”<sup>7</sup> MCI therefore requests that the Commission waive section 1.718 of the Commission’s rules, and further extend until January 10, 2005 the period in which MCI can convert its informal complaints to formal complaints, in order to provide MCI additional time to try to resolve this matter.<sup>8</sup> MCI indicates in its *Consent Motion* that counsel for the Defendants has consented to this request.<sup>9</sup>

3. We are satisfied that granting MCI’s *Consent Motion* will serve the public interest by promoting the private resolution of disputes and by postponing the need for further litigation and expenditure of further time and resources of the parties and of this Commission until such time as may actually be necessary.

4. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.3 and 1.718 of the Commission’s rules, 47 C.F.R. §§ 1.3, 1.718, and the authority delegated in sections 0.111 and 0.311 of the Commission’s rules, 47 C.F.R. §§ 0.111, 0.311, that the Consent Motion of MCI IS GRANTED.

5. IT IS FURTHER ORDERED that, unless otherwise extended by order, the deadlines that would otherwise apply under section 1.718 of our rules, 47 C.F.R. § 1.718, are hereby waived, and the date on which MCI must convert its informal complaints against the Defendants into formal complaints pursuant to section 1.718 of our rules, 47 C.F.R. § 1.718, is extended to **January 10, 2005**.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr  
Chief, Market Disputes Resolution Division  
Enforcement Bureau

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<sup>7</sup> *Consent Motion* at 2.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

## ATTACHMENT A

Armstrong Telephone Company North (EB-04-MDIC-0003)  
Armstrong Telephone Company Maryland (EB-04-MDIC-0004)  
Armstrong Telephone Company New York (EB-04-MDIC-0005)  
Armstrong Telephone Company Pennsylvania (EB-04-MDIC-0006)  
Armstrong Telephone Company West Virginia (EB-04-MDIC-0007)  
Armstrong Telephone Company Northern Division (EB-04-MDIC-0008)  
Brantley Telephone Company, Inc. (EB-04-MDIC-0009)  
Bruce Telephone Company, Inc. (EB-04-MDIC-0010)  
Calaveras Telephone Company, Inc. (EB-04-MDIC-0011)  
Cascade Utilities, Inc. (EB-04-MDIC-0012)  
Rio Virgin Telephone Company (EB-04-MDIC-0013)  
Central Montana Communications, Inc. (EB-04-MDIC-0014)  
Triangle Telephone Cooperative Association, Inc. (EB-04-MDIC-0015)  
Chester Telephone Company (EB-04-MDIC-0016)  
Ridgeway Telephone Company (EB-04-MDIC-0017)  
Lockhart Telephone Company (EB-04-MDIC-0018)  
Chibardun Telephone Cooperative, Inc. (EB-04-MDIC-0019)  
CTC Telcom, Inc. (EB-04-MDIC-0020)  
Chickasaw Telephone Company (EB-04-MDIC-0021)  
Citizens Telephone Company of Higginsville, Missouri (EB-04-MDIC-0022)  
Clay County Rural Telephone Cooperative (EB-04-MDIC-0023)  
Concord Telephone Company (EB-04-MDIC-0024)  
Darien Telephone Company, Inc. (EB-04-MDIC-0026)  
DTC Communications (EB-04-MDIC-0027)  
Egyptian Telephone Cooperative Association (EB-04-MDIC-0028)  
Five Area Telephone Cooperative (EB-04-MDIC-0029)  
West Plains Telecommunications, Inc. (EB-04-MDIC-0030)  
Hardy Telecommunications, Inc. (EB-04-MDIC-0031)  
Hickory Telephone Company (EB-04-MDIC-0032)  
Horry Telephone Cooperative, Inc. (EB-04-MDIC-0033)  
HTC Communications (EB-04-MDIC-0034)  
Lackawaxen Telecommunications Services, Inc. (EB-04-MDIC-0035)  
Loretto Telephone Company, Inc. (EB-04-MDIC-0036)  
Madison Telephone Company (EB-04-MDIC-0037)  
Margaretville Telephone Company (EB-04-MDIC-0038)  
Marquette-Adams Telephone Cooperative (EB-04-MDIC-0039)  
Mid-Century Telephone Company (EB-04-MDIC-0040)  
Mid-Maine Communications d/b/a Mid-Maine Telecom, Inc. (EB-04-MDIC-0041)  
Mid-Rivers Telephone Cooperative, Inc. (EB-04-MDIC-0043)  
Nicholville Telephone Co., Inc. (EB-04-MDIC-0045)  
North Central Telephone Cooperative, Inc. (EB-04-MDIC-0046)  
Northeast Nebraska Telephone Company (EB-04-MDIC-0047)  
NebCom, Inc. (EB-04-MDIC-0048)  
North-Eastern Pennsylvania Telephone Company (EB-04-MDIC-0049)  
Poka Lambro Communications (EB-04-MDIC-0051)  
Public Service Telephone Company of Georgia (EB-04-MDIC-0052)

3 Rivers Telephone Cooperative, Inc. (EB-04-MDIC-0053)  
Siskiyou Telephone (EB-04-MDIC-0054)  
Smart City Telecommunications LLC d/b/a Smart City Telecom (EB-04-MDIC-0055)  
Smithville Telephone Co., Inc. (EB-04-MDIC-0056)  
Stayton Cooperative Telephone Company (EB-04-MDIC-0057)  
Trumansburg Telephone Company, Inc. (EB-04-MDIC-0060)  
United Telephone Company (United Telco) (EB-04-MDIC-0061)  
Volcano Telephone Company (EB-04-MDIC-0063)  
Washington County Rural Telephone Cooperative (EB-04-MDIC-0064)