

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

APCC Services, Inc.,
Data Net Systems, LLC
Davel Communications, Inc.
Jaroth, Inc. dba Pacific Telemanagement
Services, and
Intera Communications Corp.,
Complainants,
v.
Bee Line Long Distance, Inc.,
Defendant.
File No. EB-02-MD-008

ORDER

Adopted: October 2, 2002

Released: October 3, 2002

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

1. On April 19, 2002, APCC Services, Inc., et al. ("APCC" or "Complainants"), filed with this Commission a formal complaint against Bee Line Long Distance, Inc. ("Bee Line") pursuant to section 208 of the Communications Act of 1934, as amended (the "Act"). The complaint alleges that Bee Line failed to pay dial-around compensation to Complainants for certain categories of completed coinless calls originating from payphones, in violation of Commission rules and orders. Due to a series of extensions, the Defendant was required to file an answer in this proceeding no later than August 30, 2002.

1 47 U.S.C. § 208.

2 See 47 C.F.R. §§ 64.1300-64.1320. These rules were promulgated to implement section 276 of the Act, 47 U.S.C. § 276.

3 See APCC Services, Inc., et al., v. Bee Line Long Distance, Letter from Warren Firschein, Attorney, Market Disputes Resolution Division, Enforcement Bureau, FCC, File No. EB-02-MD-008 (August 13, 2002).

2. In a letter to Commission staff dated August 30, 2002, the parties indicated that they had reached a settlement in this matter, and were “currently circulating a settlement agreement for execution by all of the parties.”⁴ The parties further indicated that they anticipated that the settlement would be finalized by September 13, 2000. Accordingly, to avoid running afoul of the Commission’s formal complaint procedures, the parties jointly requested a short additional extension of time for the Defendant to file an answer to the complaint, with the understanding that an answer would not be required if the settlement is completed prior to the revised due date. In a Letter Ruling from Commission staff dated September 3, 2002, the Defendant was granted the requested extension of time to file its answer, to September 13, 2002, the date suggested by the parties.⁵

3. On September 17, 2002, Complainants filed a motion requesting that we dismiss the formal complaint in this proceeding with prejudice.⁶ Specifically, Complainants assert that “the parties have reached a settlement in this matter,” as was anticipated.

4. We grant Complainant’s motion to dismiss the complaint, with prejudice. We find that dismissal at this stage is appropriate, and will serve the public interest by eliminating the expenditure of further time and resources of the Commission.

5. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), 208 and 276 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 208, and 276, sections 64.1300-64.1320 of the Commission’s rules, 47 C.F.R. §§ 64.1300-64.1320, and authority delegated by sections 0.111, 0.311, and 1.720-1.736 of the Commission’s rules, 47 C.F.R. §§ 0.111, 0.311, 1.720-1.736, that the above-captioned complaint IS DISMISSED WITH PREJUDICE in its entirety.

FEDERAL COMMUNICATIONS COMMISSION

Radhika V. Karmarkar

⁴ See *APCC Services, Inc., et al., v. Bee Line Long Distance*, Letter from Alan Hubbard, Attorney for Complainants, and Stanley K. Stoll, Attorney for Bee Line, to Warren Firschein, Attorney, Market Disputes Resolution Division, Enforcement Bureau, FCC, File No. EB-02-MD-008 (August 30, 2002)

⁵ See *APCC Services, Inc., et al., v. Bee Line Long Distance*, Letter from Warren Firschein, Attorney, Market Disputes Resolution Division, Enforcement Bureau, FCC, File No. EB-02-MD-008 (September 3, 2002).

⁶ *APCC Services, Inc., et al., v. Bee Line Long Distance*, Notice of Settlement and Motion to Dismiss Formal Complaint With Prejudice, FCC, File No. EB-02-MD-008 (filed September 17, 2002).

Deputy Chief, Market Disputes Resolution Division
Enforcement Bureau