

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

In the Matter of)	
)	
APCC Services, Inc. al.)	
)	File No. EB-02-MDIC-0018
v.)	
)	
Dancris)	

ORDER

Adopted: October 2, 2002

Released: October 3, 2002

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

1. On March 29, 2002, Complainants filed an informal complaint alleging that Dancris is responsible for paying dial around compensation for certain types of completed calls carried by its network that originated from APCC's payphones. Pursuant to section 1.718 of the Commission's rules,¹ the Complainants are required to convert their informal complaints into formal complaints within six months from the date of the Defendant carrier's report (in this case, April 3, 2002) to ensure that the formal complaint relates back to the appropriate time period of the informal complaint.

2. Since March 29, 2002, the parties have engaged in negotiations to resolve the disputes about dial around compensation issues. On September 30, 2002, Complainants filed a Request for Waiver of Commission Rule 1.718(a) ("Waiver Request"). Complainants sought a waiver of that rule in order to extend the deadline for filing a formal complaint from October 3, 2002 to November 8, 2002. The Defendant does not oppose this Waiver Request.²

3. The Waiver Request explains that the parties are in the midst of settlement negotiations, including the exchange of data. Some of the data relevant to liability is not currently accessible to the Defendant although it has been viewed by the Complainants under a protective order in separate court litigation involving different parties. Complainants indicate they are taking steps to allow the Defendant access to that data in order to clarify these questions of liability. Complainants state that the exchange of data will facilitate settlement without a need for the filing of a complaint. Nonetheless, further time is needed to allow for the exchange of that data and its review.

4. Accordingly, Complainants' request a waiver of section 1.718 of the Commission's rules and an additional extension of time until November 8, 2002, to convert their informal complaint against Defendant into a formal complaint, if necessary. We are satisfied that granting the Complainant's Waiver Request 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

¹ 47 C.F.R. § 1.718.

² See Letter from Jack Kelley, Dancris, to Alan Hubbard, Dickstein Shapiro Morin & Oshinsky LLP (October 1, 2002).

Commission until such time as may actually be necessary.

5. 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 Request for Waiver of Commission Rule 1.718(a) IS GRANTED.

6. 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 that APCC Services, Inc., et al. must convert their informal complaint against Dancriis to a formal complaint pursuant to section 1.718 of our rules, 47 C.F.R. § 1.718, is extended to November 8, 2002.

FEDERAL COMMUNICATIONS COMMISSION

Radhika V. Karmarkar
Deputy Chief, Market Disputes Resolution Division
Enforcement Bureau