

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

In the Matter of)	
)	
American Communications Services, Inc.)	
)	File No. E-97-09
Complainant,)	
)	
v.)	
)	
BellSouth Telecommunications, Inc.)	
)	
)	
Defendant.)	

ORDER

Adopted: June 15, 2000

Released: June 16, 2000

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

1. On January 6, 1997, American Communications Services, Inc. (ACSI) filed a formal complaint against BellSouth Telecommunications, Inc. (BellSouth) alleging, *inter alia*, that BellSouth had failed to negotiate agreements for interconnection and unbundled network elements in good faith in violation of sections 251 and 252 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 251 and 252. On June 12, 2000, ACSI, now doing business as e.spire Communications, filed a motion to dismiss this matter with prejudice. We have contacted BellSouth and they have no objection to ACSI's pleading.
2. We are satisfied that dismissing this complaint will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further litigation and the expenditure of additional time and resources of the parties and of this Commission.
3. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), 208, 251, and 252 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 208, 251, and 252, 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 motion IS GRANTED.

4. IT IS FURTHER ORDERED, pursuant to sections 1, 4(i), 4(j), 208, 251, and 252 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 208, 251, and 252, 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 above-captioned complaint IS DISMISSED WITH PREJUDICE and that this proceeding is TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Frank G. Lamancusa", written in a cursive style.

Frank G. Lamancusa
Deputy Chief, Market Disputes Resolution Division
Enforcement Bureau