

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

In the Matter of
Pamela A. Lilley,
Complainant,
v.
Paging Network Of Ohio, Inc.,
Defendant.
File No. EB-00-TCF-009

ORDER

Adopted: November 16, 2000

Released: November 17, 2000

By the Chief, Telecommunications Consumers Division, Enforcement Bureau:

1. On August 30, 2000, Pamela A. Lilley (Lilley) filed a motion for dismissal without prejudice of the above-captioned formal complaint against Paging Network of Ohio, Inc. (PageNet). Lilley alleged in the complaint that PageNet had changed the rate of her paging service without prior notice or consent. Lilley now states that she no longer wishes to pursue this action because she does not have the resources or willingness to pursue the complaint in Washington, D.C., "especially when [PageNet] is in bankruptcy." In response, PageNet argues that the dismissal should be with prejudice because Lilley did not substantiate the request for dismissal without prejudice.

2. We are satisfied that granting, in part, Lilley's motion to dismiss its complaint will serve the public interest by eliminating the need for further litigation and the expenditure of further time and resources by the parties and by the Commission. Lilley has not, however, presented sufficient grounds to show that dismissal without prejudice would serve the public interest. We therefore dismiss the complaint with prejudice.

3. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i) and (4(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 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 to dismiss the above captioned complaint without prejudice, filed by Pamela A. Lilley on August 30, 2000, IS GRANTED to the extent indicated herein and IS OTHERWISE DENIED.

4. IT IS FURTHER ORDERED that the above-captioned complaint IS DISMISSED WITH PREJUDICE and that this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Catherine W. Seidel
Chief, Telecommunications Consumers Division

Federal Communications Commission

Enforcement Bureau