

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

Excel Communications, Inc., Excel
Telecommunications, Inc., Teleglobe
Business Solutions, and Long Distance
Wholesale Club,
Complainants,
v.
Qwest Corporation,
Defendant.
File No. EB-01-MD-03

ORDER

Adopted: April 19, 2001

Released: April 20, 2001

By the Enforcement Bureau:

1. On January 24, 2001, Excel Communications, Inc., Excel Telecommunications, Inc., Teleglobe Business Solutions, and Long Distance Wholesale Club ("Excel") filed the above-named formal complaint against Qwest Corporation ("Qwest"). In the complaint, Excel alleged that Qwest had been backbilling Excel for primary interexchange carrier charges in violation of sections 201(b) and 202(a) of the Communications Act of 1934, as amended. See 47 U.S.C. §§ 201(b), 202(a).

2. On April 19, 2001, the parties filed a Joint Motion to Dismiss the complaint with prejudice. In support of their Joint Motion, the parties state that they have resolved the issues raised in the complaint in a mutually satisfactory manner. We are satisfied that granting this Joint Motion will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further expenditure of resources by the parties and the Commission.

3. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), 201, 202, and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 201, 202, 208, 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 Joint Motion to Dismiss the complaint IS GRANTED.

4. IT IS FURTHER ORDERED that the complaint IS DISMISSED WITH PREJUDICE and that the proceeding IS TERMINATED effective immediately upon Release Date of this Order.

FEDERAL COMMUNICATIONS COMMISSION

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