

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

Texcom, Inc. d/b/a Answer Indiana)	
)	
Complainant,)	
)	
v.)	File No. EB-00-MD-12
)	
SBC Communications, Inc.,)	
)	
Defendant.)	

ORDER

Adopted: January 16, 2001

Released: January 17, 2001

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

1. On July 7, 2000, Texcom, Inc. d/b/a Answer Indiana (“Answer Indiana”) filed the formal complaint captioned above against SBC Communications, Inc. (“SBC”), alleging that SBC had been collecting payment for the termination of SBC-originated traffic on Answer Indiana’s network in violation of our rules. SBC filed its answer on July 31, 2000. Subsequent to that filing, the parties entered into negotiations in an effort to settle the matter before the Commission. On December 28, 2000, Complainant filed a motion styled “Withdrawal of Formal Complaint” stating that Answer Indiana “hereby withdraws the above captioned Formal Complaint and respectfully requests that the matter be dismissed with prejudice.”

2. On January 16, 2001, the Commission held a brief status conference to clarify its understanding of the Complainant’s motion. The parties made clear at that time that the complaint was settled and that the Commission should cease further proceedings in this matter. Given the parties representations, we will treat the Complainant’s unopposed motion as a motion to dismiss with prejudice. We are satisfied that dismissing the complaint will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further litigation and expenditure of resources by the parties and the Commission.

3. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 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 Withdrawal of Formal 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

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