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

In the Matters of)
)
)
)
AT&T Corp. v. Advantel, LLC d/b/a Plan B) File No. EB-01-MDIC-0002
Communications;)
)
)
AT&T Corp. v. CFW Communications Company) File No. EB-01-MDIC-0003
& CFW Networks, Inc.;)
)
)
AT&T Corp. v. Commonwealth Telephone) File No. EB-01-MDIC-0004
Enterprises & CTSI, Inc.;)
)
)
AT&T Corp. v. CT Communications, Inc. and) File No. EB-01-MDIC-0005
CTC Exchange Services;)
)
)
AT&T Corp. v. Consolidated Communications) File No. EB-01-MDIC-0006
Networks, Inc.;)
)
)
AT&T Corp. v. CTC Telecom, Inc.;) File No. EB-01-MDIC-0007
)
)
AT&T Corp. v. Fairpoint Communications Corp.;) File No. EB-01-MDIC-0008
)
)
AT&T Corp. v. Intermedia Communications, Inc.;) File No. EB-01-MDIC-0010
)
)
AT&T Corp. v. Net2000 Communications,) File No. EB-01-MDIC-0011
Net2000 Communications Services and Net2000)
Communications of Virginia, LLC;)
)
)
AT&T Corp. v. North County Communications) File No. EB-01-MDIC-0012
Corp.;)
)
)
AT&T Corp. v. Winstar Communications, Inc., et) File No. EB-01-MDIC-0013
al.;)
)
)
AT&T Corp. v. XIT Telecommunications &) File No. EB-01-MDIC-0014
Technology, Inc.)
)

ORDER**Adopted: November 29, 2001****Released: November 30, 2001**

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

1. On January 12, 2001, pursuant to section 1.716 of the Commission rules,¹ AT&T Corp. (“AT&T”) filed informal complaints against Advantel, LLC d/b/a Plan B Communications (“Advantel”), CFW Communications Company & CFW Networks, Inc. (“CFW”), Commonwealth Telephone Enterprises & CTSI, Inc. (“CTSI”), CT Communications, Inc. and CTC Exchange Services (“CTC Exchange”), Consolidated Communications Networks, Inc. (“Consolidated”), CTC Telcom, Inc. (CTC Telcom), Fairpoint Communications Corp. (“Fairpoint”), Focal Communications Corp. (“Focal”), Intermedia Communications, Inc. (“Intermedia”), Net2000 Communications, Net2000 Communications Services and Net2000 Communications of Virginia, LLC (“Net200”), North County Communications Corp. (“North County”), Winstar Communications, Inc., *et al.* (“Winstar”), and XIT Telecommunications & Technology, Inc. (“XIT”) (collectively “Informal Complaint Defendants”). Between March 14, 2001 and March 19, 2001, each of the Informal Complaint Defendants filed a report pursuant to section 1.717 of the Commission’s rules² denying the allegations in AT&T’s informal complaints. Pursuant to section 1.718 of the Commission’s rules,³ AT&T was required to convert these informal complaints into formal complaints between September 14, 2001 and September 24, 2001 to ensure that the formal complaints related back to the January 12, 2001 filing date of the informal complaints. On September 14, 2001, October 4, 2001, October 18, 2001, November 2, 2001, and November 15, 2001, the Market Disputes Resolution Division granted AT&T’s consent motions for additional time to convert the informal complaints under rule 1.718, allowing AT&T until December 2, 2001 to file the formal complaints against Advantel, CFW, CTSI, CTC Exchange, CTC Telcom, Consolidated, Fairpoint, Net2000, North County, Winstar, and XIT, and until November 16, 2001 to file the formal complaint against Focal.⁴

2. In light of the parties’ continuing efforts to settle these matters, on November 26, 2001, AT&T filed a sixth Consent Motion To Extend Time In Which To Convert Informal Complaints To Formal Complaints and Toll Limitations Period.⁵ AT&T requests a waiver of section 1.718 of the

¹ 47 C.F.R. § 1.716.

² 47 C.F.R. § 1.717.

³ 47 C.F.R. § 1.718.

⁴ *AT&T Corp. v. Advantel, LLC d/b/a Plan B Communications, et al.*, File Nos. EB-01-MDIC-002 – 014, Order, DA 01-2158 (EB-MDRD rel. Sept. 14, 2001); *AT&T Corp. v. Advantel, LLC d/b/a Plan B Communications, et al.*, File Nos. EB-01-MDIC-002 – 014, Order, DA 01-2321 (EB-MDRD rel. Oct. 4, 2001); *AT&T Corp. v. Advantel, LLC d/b/a Plan B Communications, et al.*, File Nos. EB-01-MDIC-002 – 014, Order, DA 01-2321 (EB-MDRD rel. Oct. 18, 2001); *AT&T Corp. v. Advantel, LLC d/b/a Plan B Communications, et al.*, File Nos. EB-01-MDIC-002 – 014, Order, DA 01-2551 (EB-MDRD rel. Nov. 2, 2001); *AT&T Corp. v. Advantel, LLC d/b/a Plan B Communications, et al.*, File Nos. EB-01-MDIC-002 – 014, Order, DA 01-2661 (EB-MDRD rel. Nov. 15, 2001).

⁵ Consent Motion of AT&T Corp. For Additional Extension of Time In Which To Convert Informal Complaints To Formal Complaints and Toll Limitations Period, *AT&T Corp. v. Advantel, LLC d/b/a Plan B Communications, et al.*, File Nos. EB-01-MDIC-002 – 014 (filed Nov. 26, 2001).

Commission's rules and an additional extension of time until December 19, 2001 to convert the informal complaints against Consolidated, CTC Exchange, CTC Telcom, Intermedia, and XIT into formal complaints, and until January 10, 2002 to convert the informal complaints against Advantel, CFW, CTSI, Fairpoint, Net2000, North County, and Winstar into formal complaints. Each of the Informal Complaint Defendants have consented to AT&T's request.

3. We are satisfied that granting AT&T's motion 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 Commission until such time as may actually be necessary.

4. 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 Consent Motion of AT&T Corp. to Extend Time in Which to Convert Informal Complaints to Formal Complaints and Toll Limitations Period IS GRANTED.

5. 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 dates on which AT&T must convert the informal complaints against CT Communications, Inc. and CTC Exchange Services, Consolidated Communications Networks, Inc., CTC Telcom, Inc., Intermedia Communications, Inc., and XIT Telecommunications & Technology, Inc. into formal complaints pursuant to section 1.718 of our rules, 47 C.F.R. § 1.718, are extended to December 19, 2001.

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 dates on which AT&T must convert the informal complaints against Advantel, LLC d/b/a Plan B Communications, CFW Communications Company & CFW Networks, Inc., Commonwealth Telephone Enterprises & CTSI, Inc., Fairpoint Communications Corp., Net2000 Communications, Net2000 Communications Services and Net2000 Communications of Virginia, LLC, North County Communications Corp., and Winstar Communications, Inc., *et al.*, into formal complaints pursuant to section 1.718 of our rules, 47 C.F.R. § 1.718, are extended to January 10, 2002.

FEDERAL COMMUNICATIONS COMMISSION

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