

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

In the Matter of)	
)	
TSR WIRELESS, LLC.,)	
)	File No. E-98-13
Complainant,)	
)	
v.)	
)	
QWEST CORPORATION)	
(f/k/a U S WEST COMMUNICATIONS, INC.))	
)	
Defendant.)	

ORDER

Adopted: December 19, 2001

Released: December 20, 2001

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

1. On June 21, 2000, the Commission issued an order granting and denying in part a formal complaint filed by TSR Wireless, LLC (“TSR”) against U S West Communications, Inc. (“Qwest”).¹ On August 21, 2000, TSR filed a supplemental complaint against Qwest seeking damages based on the Commission’s finding of liability. Qwest denied TSR’s damages claims.

2. On December 8, 2000, TSR filed a voluntary petition under Chapter 7 of the United States Bankruptcy Code. Consequently, Charles M. Forman, as the Chapter 7 trustee (“the Trustee”) for the bankruptcy estate of TSR, became the successor-in-interest to TSR’s claims against Qwest. The Trustee and Qwest later entered into a settlement agreement, the basic terms of which the bankruptcy court approved on August 29, 2001. This agreement was subsequently formalized, executed, and approved by the bankruptcy court on December 5, 2001. On December 18, 2001, the parties filed with the Commission a Joint Motion to Dismiss Supplemental Complaint With Prejudice in which they state that they have resolved the damages issues raised in this proceeding and have settled their dispute in a mutually satisfactory manner. The parties therefore ask the Commission to dismiss this case with prejudice.

3. We are satisfied that dismissing this complaint with prejudice will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further litigation and the expenditure of further time and resources of the parties and of this Commission.

4. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), and 208 of the

¹ *TSR Wireless, LLC v. U S West Communications, Inc.*, 15 FCC Rcd 11166 (2000), *petition for review denied sub nom. Qwest Corporation v. FCC*, 252 F.3d 462 (D.C. Cir. 2001). During the course of this proceeding, the defendant changed its name as a result of a corporate merger to “Qwest Corporation,” which is used throughout the remainder of this Order.

Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), and 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 Supplemental Complaint With Prejudice IS GRANTED.

5. IT IS FURTHER 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), and 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 supplemental complaint in the above-captioned proceeding IS DISMISSED WITH PREJUDICE and that the proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

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