

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of )
Eschelon Telecom, Inc., )
Complainant, )
v. ) File No. EB-01-MD-005
AT&T Corp., )
Defendant. )

ORDER

Adopted: March 9, 2001

Released: March 12, 2001

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

1. On February 15, 2001, Eschelon Telecom, Inc. ("Eschelon") filed a complaint against AT&T Corporation ("AT&T") alleging that AT&T failed to pay for access services, in violation of section 201(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 201(b). Due to alleged deficiencies regarding service of the complaint, and based on representations by the parties that they would engage in settlement negotiations, the Commission acceded to the parties' request to extend the deadline for filing an answer. On March 7, 2001, before AT&T filed its answer, Eschelon informed the Commission that the parties engaged in discussions that could resolve the matters at issue in the complaint, and requested permission to withdraw its complaint without prejudice.

2. We are satisfied that dismissing this complaint 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.

3. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), 201(b), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 201(b), 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 Eschelon's Motion to Dismiss Without Prejudice IS GRANTED.

4. IT IS FURTHER ORDERED that the above-captioned complaint IS DISMISSED WITHOUT PREJUDICE and that the proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

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