

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

In the Matter of
AT&T Corp.,
Complainant,
v.
CTC Telcom, Inc.,
Defendant.
File No. EB-01-MDIC-007

ORDER

Adopted: May 7, 2002

Released: May 8, 2002

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

1. On January 12, 2001, pursuant to section 1.716 of the Commission rules, AT&T Corp. ("AT&T") filed an informal complaint against defendant CTC Telcom, Inc. ("CTC Telcom") in the above-captioned matter. On March 16, 2001, CTC Telcom filed a report pursuant to section 1.717 of the Commission's rules denying the allegations in AT&T's informal complaint. Pursuant to section 1.718 of the Commission's rules, AT&T was required to convert its informal complaint into a formal complaint within six months from the date of CTC Telcom's report to ensure that the formal complaint related back to the January 12, 2001 filing date of the informal complaint. The Market Disputes Resolution Division ("MDRD") granted AT&T's prior consent motions in this proceeding for additional time to convert the informal complaint under rule 1.718, allowing AT&T until May 10, 2002, to file its formal complaint against CTC Telcom. MDRD granted these motions because the parties were actively engaged in

1 47 C.F.R. § 1.716.

2 47 C.F.R. § 1.717.

3 47 C.F.R. § 1.718.

4 See 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 01-2428 (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 (continued....))

promising settlement negotiations, and were participating in good faith in mediation sessions supervised by MDRD staff.

2. Since filing its informal complaint, AT&T and CTC Telcom have engaged in extensive settlement negotiations and have recently reached a settlement agreement. The parties are in the process of executing their settlement documents and are optimistic that they will have complied with the terms of their settlement prior to the next scheduled status conference on May 17, 2002. In light of this, on May 6, 2002, AT&T filed a Consent Motion Requesting Additional Extension of Time In Which To Convert Its Informal Complaint Against CTC Telcom Into A Formal Complaint and Toll Limitations Period.⁵ AT&T requests a waiver of section 1.718 of the Commission's rules and an additional extension of time until May 24, 2002, to convert its informal complaint against CTC Telcom into a formal complaint, if necessary.⁶ CTC Telcom has consented to AT&T's request.⁷

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. Requesting Additional Extension of Time in Which to Convert Informal Complaint Against CTC Telcom to Formal Complaint 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, or under our previous orders in this proceeding, are hereby waived, and the date on which AT&T must convert its informal complaint (Continued from previous page) _____

rel. Nov. 15, 2001); *AT&T Corp. v. Advantel, LLC d/b/a Plan B Communications, et al.*, File Nos. EB-01-MDIC-002 – 014, Order, DA 01-2780 (EB-MDRD rel. Nov. 30, 2001); *AT&T Corp. v. Advantel, LLC d/b/a Plan B Communications, et al.*, File Nos. EB-01-MDIC-002 – 014, Order, DA 01-2920 (EB-MDRD rel. Dec. 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 02-035 (EB-MDRD rel. Jan. 9, 2002), *AT&T Corp. v. Advantel, LLC d/b/a Plan B Communications, et al.*, File Nos. EB-01-MDIC-002 – 014, Order, DA 02-210 (EB-MDRD rel. Jan. 29, 2002); *AT&T Corp. v. Advantel, LLC d/b/a Plan B Communications, et al.*, File Nos. EB-01-MDIC-002 – 014, Order, DA 02-360 (EB-MDRD rel. Feb. 15, 2002); *AT&T Corp. v. CT Communications, Inc., et al.*, File Nos. EB-01-MDIC-002 – 014, Order, DA 02-450 (EB-MDRD rel. Feb. 27, 2002); *AT&T Corp. v. CT Communications, Inc., et al.*, File Nos. EB-01-MDIC-005 – 014, Order, DA 02-597 (EB-MDRD rel. Mar. 12, 2002); *AT&T Corp. v. CT Communications, Inc., et al.*, File Nos. EB-01-MDIC-005 – 014, Order, DA 02-721 (EB-MDRD rel. Mar. 27, 2002); *AT&T Corp. v. CT Communications, Inc., et al.*, File Nos. EB-01-MDIC-005 – 014, Order, DA 02-822 (EB-MDRD rel. Apr. 11, 2002); *AT&T Corp. v. CTC Telcom, Inc.*, File No. EB-01-MDIC-007, Order, DA 02-960 (EB-MDRD rel. Apr. 26, 2002).

⁵ See Consent Motion of AT&T Corp. Requesting Additional Extension of Time in Which Its Convert Informal Complaint Against CTC Telcom Into A Formal Complaint and Toll Limitations Period, *AT&T Corp. v. CTC Telcom, Inc.*, File No. EB-01-MDIC-007 (filed May 6, 2002).

⁶ *Id.* at 2.

⁷ *Id.*

against CTC Telcom, Inc., into a formal complaint pursuant to section 1.718 of our rules, 47 C.F.R. § 1.718, is extended to May 24, 2002.

FEDERAL COMMUNICATIONS COMMISSION

Radhika V. Karmarkar
Deputy Division Chief, Market Disputes Resolution Division
Enforcement Bureau