

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

Cable & Wireless USA, Inc.,)	
)	
Complainant,)	
)	
v.)	File No. EB-01-MD-022
)	
Verizon Delaware, Inc.,)	
Verizon Maryland, Inc.,)	
Verizon New England, Inc. d/b/a)	
Verizon Maine,)	
Verizon Massachusetts,)	
Verizon New Hampshire,)	
Verizon Rhode Island, and)	
Verizon Vermont,)	
Verizon New Jersey, Inc.,)	
Verizon New York, Inc.,)	
Verizon Pennsylvania, Inc.,)	
Verizon Virginia, Inc.,)	
Verizon Washington, DC, Inc., and)	
Verizon West Virginia, Inc.,)	
)	
Defendants.)	

ORDER

Adopted: February 6, 2002

Released: February 7, 2002

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

1. On September 4, 2001, Cable & Wireless USA, Inc. (“Cable & Wireless”) filed the captioned complaint against Verizon Delaware, Inc., Verizon Maryland, Inc., Verizon New England, Inc. (d/b/a Verizon Maine, Verizon Massachusetts, Verizon New Hampshire, Verizon Rhode Island, and Verizon Vermont), Verizon New Jersey, Inc., Verizon New York, Inc., Verizon Pennsylvania, Inc., Verizon Virginia, Inc., Verizon Washington, DC, Inc., and Verizon West Virginia, Inc. (collectively “Verizon”). In short, the complaint alleged that Verizon’s failure to provision Cable & Wireless special access orders in a timely manner violated sections 201(b), 202(a), 203, 251(g) and 272 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 201(b), 202(a), 203, 251(g) and 272.

2. The parties recently entered into negotiations for the purpose of settling their dispute. On January 28, 2002, Complainant Cable & Wireless filed a motion to dismiss without prejudice its complaint against Verizon.¹ In its motion, C&W stated that the parties had worked diligently to resolve the dispute and that Cable & Wireless determined that its business concerns had been addressed by Verizon and that further litigation was unnecessary. Verizon does not oppose Complainant's motion based on the fact "that the parties have reached an agreement in principle to settle the matter."²

3. 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 the expenditure of further time and resources of the parties and this Commission.

4. 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), and 208, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311, that the unopposed motion to dismiss the above-captioned complaint without prejudice IS GRANTED.

¹ Cable & Wireless USA, Inc.'s Motion to Dismiss Without Prejudice, File No. EB-01-MD-022 (filed January 28, 2002).

² Verizon Defendants in Support of Motion to Dismiss Without Prejudice, File No. EB-01-MD-022 (filed February 6, 2002).

5. 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