

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

In the Matter of)	
)	
Farmers' and Business Mens' Telephone Co. v.)	File No. EB-02-MDIC-0003
AT&T Corp.)	
)	
Heart of Iowa Communications, Inc. v.)	File No. EB-02-MDIC-0006
AT&T Corp.)	
)	
Forest City Telecom, Inc. v. AT&T Corp.)	File No. EB-02-MDIC-0007

ORDER

Adopted: November 15, 2002

Released: November 18, 2002

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

1. In November and December 2001 and January 2002, pursuant to section 1.716 of the Commission rules,¹ Farmers' and Business Mens' Telephone Co., Forest City Telecom, Inc., and Heart of Iowa Communications, Inc. (collectively "Informal Complaint Plaintiffs") filed informal complaints against defendant AT&T Corp. ("AT&T") in the above-captioned matters. On March 11, 2002, AT&T filed a report pursuant to section 1.717 of the Commission's rules² denying the allegations in the Informal Complaint Plaintiffs' informal complaints. Pursuant to section 1.718 of the Commission's rules,³ the Informal Complaint Plaintiffs were required to convert their informal complaints into formal complaints within six months from the date of AT&T's report to ensure that the formal complaints related back to the November and December 2001 and January 2002 filing dates of the informal complaints for purposes of the statute of limitations. The Commission previously granted Informal Complaint Plaintiffs' consent motions for additional time to convert the informal complaints, allowing the Informal Complaint Plaintiffs until November 20, 2002 to file formal complaints.⁴

¹ 47 C.F.R. § 1.716.

² 47 C.F.R. § 1.717.

³ 47 C.F.R. § 1.718.

⁴ *Farmers' and Business Mens' Telephone Co., et al. v. AT&T Corp.* File Nos. EB-02-MDIC-003, 005-007, Order, DA 02-3013 (EB-MDRD rel. Nov. 4, 2002); *Farmers' and Business Mens' Telephone Co., et al. v. AT&T Corp.* File Nos. EB-02-MDIC-003, 005-007, Order, DA 02-2758 (EB-MDRD rel. Oct. 22, 2002); *Farmers' and Business Mens' Telephone Co., et al. v. AT&T Corp.* File Nos. EB-02-MDIC-003, 005-007, Order, DA 02-2552 (EB-MDRD rel. Oct. 9, 2002); *Farmers' and Business Mens' Telephone Co., et al. v. AT&T Corp.* File Nos. EB-02-MDIC-003, 005-007, Order, DA 02-2204 (EB-MDRD rel. Sept. 25, 2002); *Mark Twain Communications* (continued....)

2. In light of the progress made in the parties' continuing efforts to settle these matters, on November 13, 2002, Informal Complaint Plaintiffs filed a sixth Consent Motion To Extend Time In Which To Convert Informal Complaints To Formal Complaints and Toll Limitations Period.⁵ The Informal Complaint Plaintiffs request another waiver of section 1.718 of the Commission's rules and an additional extension of time until December 4, 2002, to convert their informal complaints against AT&T into formal complaints, if necessary.⁶ Counsel for AT&T has consented to the Informal Complaint Plaintiffs' request.⁷

3. We are satisfied that granting the Informal Complaint Plaintiffs' consent 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 Sixth Consent Motion of Complainants For Extension of Time In Which To Convert Informal Complaints 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, are hereby waived, and the date on which Farmers' and Business Mens' Telephone Co., Forest City Telecom, Inc., and Heart of Iowa Communications, Inc. must convert their informal complaints against AT&T Corp. into formal complaints pursuant to section 1.718 of our rules, 47 C.F.R. § 1.718, is extended to December 4, 2002.

FEDERAL COMMUNICATIONS COMMISSION

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

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Company, et al. v. AT&T Corp. File Nos. EB-02-MDIC-003, 005-007, Order, DA 02-2204 (EB-MDRD rel. Sept. 10, 2002).

⁵ Sixth Consent Motion Of Complainants For Extension of Time In Which To Convert Informal Complaints To Formal Complaints and Toll Limitations Period, *Farmers' and Business Mens' Telephone Co. v. AT&T Corp., et al.*, File Nos. EB-02-MDIC-003, 006, and 007 (filed Nov. 13, 2002).

⁶ *Id.* at 2.

⁷ *Id.*