

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

In the Matter of)	
)	
AT&T Corp.,)	
)	
Complainant,)	
)	
v.)	File No. EB-01-MD-024
)	
Focal Communications Corporation, <i>et al.</i>)	
)	
Defendants.)	

ORDER

Adopted: March 6, 2002

Released: March 7, 2002

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

1. On November 16, 2001, AT&T Corp. ("AT&T") filed a formal complaint against Focal Communications Corporation, Focal Communications Corporation of Illinois, Focal Communications Corporation of New York, Focal Communications Corporation of New Jersey, Focal Communications Corporation of the Mid-Atlantic, Focal Communications Corporation of California, Focal Communications Corporation of Texas, Focal Communications Corporation of Washington, Focal Communications Corporation of Michigan, Focal Communications Corporation of Pennsylvania, Focal Communications Corporation of Virginia, Focal Communications Corporation of Georgia, Focal Communications Corporation of Minnesota, Focal Communications Corporation of Massachusetts, Focal Communications Corporation of Ohio, Focal Communications Corporation of Missouri, and Focal Communications Corporation of Florida (collectively "Focal") pursuant to section 208 of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 208. The complaint alleged, *inter alia*, that Focal's interstate switched access rates were unjustly and unreasonably high in violation of section 201(b) of the Act, 47 U.S.C. § 201(b), and that Focal cross-subsidized its retail local services with revenues from its access services, in violation of section 254(k) of the Act, 47 U.S.C. § 254(k).

2. On March 4, 2002, the parties filed a Joint Motion to Dismiss Complaint in which they stated that they had reached a mutually acceptable settlement of all issues raised in this proceeding.¹ Their Joint Motion, therefore, petitions the Commission to dismiss the complaint with prejudice.

3. We are satisfied that dismissing the complaint will serve the public interest by promoting

¹ Joint Motion to Dismiss Complaint, *AT&T Corp. v. Focal Communications Corporation, et al.*, File No. EB-01-MD-024 (filed Mar. 4, 2002).

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 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 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 the above-captioned complaint with prejudice IS GRANTED.

5. IT IS FURTHER 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 the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that AT&T's formal complaint against Focal IS DISMISSED WITH PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

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