

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

In the Matters of)	
)	
AT&T Corp. v. CT Communications, Inc. and CTC Exchange Services;)	File No. EB-01-MDIC-0005
)	
AT&T Corp. v. Consolidated Communications Networks, Inc.;)	File No. EB-01-MDIC-0006
)	
AT&T Corp. v. CTC Telecom, Inc.;)	File No. EB-01-MDIC-0007
)	
AT&T Corp. v. Intermedia Communications, Inc.;)	File No. EB-01-MDIC-0010
)	
AT&T Corp. v. Winstar Communications, Inc., et al.;)	File No. EB-01-MDIC-0013
)	
AT&T Corp. v. XIT Telecommunications & Technology, Inc.)	File No. EB-01-MDIC-0014

ORDER

Adopted: March 26, 2002

Released: March 27, 2002

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

1. On January 12, 2001, pursuant to section 1.716 of the Commission rules,¹ AT&T Corp. (“AT&T”) filed informal complaints against each of the defendants in the above-captioned matters. Between March 14, 2001 and March 19, 2001, each of the defendants filed a report pursuant to section 1.717 of the Commission’s rules² denying the allegations in AT&T’s informal complaints. Pursuant to section 1.718 of the Commission’s rules,³ AT&T was required to convert these informal complaints into formal complaints between September 14, 2001 and September 24, 2001 to ensure that the formal complaints related back to the January 12, 2001 filing date of the informal complaints. On September 14, 2001, October 4, 2001, October 18, 2001, November 2, 2001, November 15, 2001, November 30, 2001, December 18, 2001, January 9, 2002, January 29, 2002, February 15, 2002, February 27, 2002, and March 12, 2002, the Market Disputes Resolution Division (“MDRD”) granted AT&T’s consent motions for additional time to convert the informal complaints under rule 1.718, allowing AT&T until March 29,

¹ 47 C.F.R. § 1.716.

² 47 C.F.R. § 1.717.

³ 47 C.F.R. § 1.718.

2002, to file the formal complaints against the defendants.⁴ MDRD granted these motions because the parties were actively engaged in promising settlement negotiations, and were participating in good faith in mediation sessions supervised by MDRD staff.

2. Since filing its informal complaints, AT&T has reached settlement agreements with defendants Intermedia and Winstar. As a consequence, all outstanding issues with these defendants have been resolved and the matters at issue have been satisfied. Accordingly, AT&T and these named defendants request that the informal complaints relating to them be closed.⁵

3. In addition, since filing its informal complaints, AT&T also has reached settlement agreements with CTC Exchange, Consolidated, and XIT. As a result, the parties are in the process of completing and/or filing the necessary paperwork relating to their agreements. AT&T and CTC Telcom also are in the process of negotiating a settlement agreement, and are hopeful that a settlement can be finalized in the near future. In light of the parties' continuing efforts to settle these matters, on March 26, 2002, AT&T filed a Consent Motion Resolving Certain Informal Complaints and Requesting An Additional Extension of Time In Which To Convert Informal Complaints To Formal Complaints and Toll Limitations Period.⁶ AT&T requests a waiver of section 1.718 of the Commission's rules and an additional extension of time until April 12, 2002, to convert the informal complaints against the defendants into formal complaints, if necessary. Each of these named defendants have consented to AT&T's request.⁷

4. 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

⁴ *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 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-002 – 014, Order, DA 02-597 (EB-MDRD rel. Mar. 12, 2002).

⁵ Consent Motion of AT&T Corp. Resolving Certain Informal Complaints and Requesting An Additional Extension of Time In Which To Convert Informal Complaints To Formal Complaints and Toll Limitations Period, *AT&T Corp. v. CT Communications, Inc., et al.*, File Nos. EB-01-MDIC-002 – 014 (filed Mar. 26, 2002) (*Consent Motion*) at 4.

⁶ See *Consent Motion*.

⁷ *Id.* at 4.

time and resources of the parties and of this Commission until such time as may actually be necessary.

5. 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. Resolving Certain Informal Complaints and Requesting An Additional Extension of Time in Which to Convert Other Informal Complaints to Formal Complaints and Toll Limitations Period IS GRANTED.

6. IT IS FURTHER ORDERED that the informal complaints against Intermedia, File No. EB-01-MDIC-0010 and Winstar, File No. EB-01-MDIC-0013, are hereby DISMISSED.

7. 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 dates on which AT&T must convert the remaining informal complaints against CT Communications, Inc., *et al.*, CTC Telcom, Inc., Consolidated Communications, Inc., and XIT Telecommunications and Technology, Inc., into formal complaints pursuant to section 1.718 of our rules, 47 C.F.R. § 1.718, are extended to April 12, 2002.

FEDERAL COMMUNICATIONS COMMISSION

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