

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

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

ORDER

Adopted: April 10, 2002

Released: April 11, 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, March 12, 2002, and March 27, 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 April 12, 2002, to file the formal complaints against the defendants.⁴ MDRD granted these motions

¹ 47 C.F.R. § 1.716.

² 47 C.F.R. § 1.717.

³ 47 C.F.R. § 1.718.

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.* (continued....)

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 CT Communications, Inc. and CTC Exchange Services, Consolidated Communications Networks, Inc., and XIT Telecommunications & Technology, Inc. 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 jointly request that the informal complaints relating to them be closed.⁵

3. In addition, since filing its informal complaints, AT&T and CTC Telcom have engaged in extensive discussions regarding settling their dispute, and reached tentative agreements regarding each of their remaining open issues during an April 5, 2002 status conference/mediation session supervised by MDRD staff. The parties are in the process of documenting their agreements and are optimistic that a settlement will be finalized and executed before the next scheduled status conference on April 19, 2002. In light of this, on April 9, 2002, AT&T filed a Consent Motion Resolving Certain Informal Complaints and Requesting An Additional Extension of Time In Which To Convert Informal Complaint Against CTC Telcom To Formal Complaint 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 26, 2002, to convert its informal complaint against CTC Telcom into a formal complaint, if necessary. CTC Telcom has 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 time and resources of the parties and of this Commission until such time as may actually be necessary.

(Continued from previous page)

Advamtel, 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. Advamtel, 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. Advamtel, 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. Advamtel, 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. Advamtel, 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. Advamtel, 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. Advamtel, 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. Advamtel, 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).

⁵ Consent Motion of AT&T Corp. Resolving Certain Informal Complaints and Requesting An Additional Extension of Time In Which To Convert Informal Complaint Against CTC Telcom To Formal Complaint and Toll Limitations Period, *AT&T Corp. v. CT Communications, Inc., et al.*, File Nos. EB-01-MDIC-002 – 014 (filed Apr. 9, 2002) (*Consent Motion*) at 3.

⁶ See *Consent Motion*.

⁷ *Id.* at 3-4.

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 Informal Complaint Against CTC Telcom to Formal Complaint and Toll Limitations Period IS GRANTED.

6. IT IS FURTHER ORDERED that the informal complaints against CT Communications, Inc. and CTC Exchange Services, Inc., File No. EB-01-MDIC-0005; Consolidated Communications Network, Inc., File No. EB-01-MDIC-006; and XIT Telecommunications and Technology, Inc., File No. EB-01-MDIC-0014, 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 date on which AT&T must convert its informal complaint 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 April 26, 2002.

FEDERAL COMMUNICATIONS COMMISSION

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