

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

MCI WORLDCOM Network Services, Inc.,
Complainant,
v.
Allegiance Telecom, Inc.,
Defendant.
File No. EB-02-MDIC-0037

ORDER

Adopted: April 3, 2003

Released: April 4, 2003

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

1. On May 31, 2002, pursuant to section 1.716 of the Commission rules, MCI WORLDCOM Network Services, Inc. ("WorldCom") filed an informal complaint against defendant Allegiance Telecom, Inc. ("Allegiance") in the above-captioned matter. On July 15, 2002, Allegiance filed a report pursuant to section 1.717 of the Commission's rules denying the allegations in WorldCom's Informal Complaint. Pursuant to section 1.718 of the Commission's rules, WorldCom must convert its Informal Complaint into a formal complaint within six months of the date of Allegiance's report to ensure that the formal complaint relates back to the May 31, 2002 filing date of the Informal Complaint for statute of limitations purposes. The Commission previously granted WorldCom's consent motions for additional time to convert its informal complaint, allowing WorldCom until April 4, 2003 to file a formal complaint.

1 47 C.F.R. § 1.716.

2 Letter from Kecia Boney-Lewis, Counsel for MCI WorldCom Network Services, Inc., to Alexander P. Starr, Chief, Market Disputes Resolution Division, Enforcement Bureau, FCC (filed June 3, 2002) ("Informal Complaint").

3 47 C.F.R. § 1.717.

4 Letter from Mary C. Albert, Counsel for Allegiance Telecom, Inc., to Alexander P. Starr, Chief, Market Disputes Resolution Division, Enforcement Bureau, FCC, File No. EB-02-MDIC-0037 (filed July 15, 2002).

5 47 C.F.R. § 1.718.

6 MCI WorldCom Network Services, Inc. v. Allegiance Telecom, Inc., Order, File No. EB-02-MDIC-0037, DA 03-836 (EB-MDRD rel. Mar. 21, 2003); MCI WorldCom Network Services, Inc. v. Allegiance Telecom, Inc., Order, File No. EB-02-MDIC-0037, DA 03-787 (EB-MDRD rel. Mar. 17, 2003); MCI WorldCom Network Services, Inc. v. Allegiance Telecom, Inc., Order, File No. EB-02-MDIC-0037, DA 03-478 (EB-MDRD rel. Feb. (continued...))

2. Since the filing of the Informal Complaint, with some assistance from Commission staff, WorldCom and Allegiance have engaged in negotiations to resolve the disputed issues raised in WorldCom's Informal Complaint.⁷ The parties continue to "believe that a settlement is likely in this case and continue to work diligently toward that goal."⁸ The parties further believe that an additional extension of time would be beneficial to their settlement discussions.⁹ Accordingly, WorldCom requests another waiver of section 1.718 of the Commission's rules and extension of time until April 18, 2003 to convert its Informal Complaint against Allegiance into a formal complaint, if necessary.¹⁰ Allegiance has consented to WorldCom's request.¹¹

3. We are satisfied that granting WorldCom's 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 Consent Motion of MCI WORLDCOM Network Services, Inc. Requesting Waiver of Section 1.718 of the Commission's Rules and Further Extension of Time In Which to Convert Its Informal Complaint to a Formal Complaint and Toll the Limitations Period 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 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, unless otherwise extended by order, the

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24, 2003); *MCI WorldCom Network Services, Inc. v. Allegiance Telecom, Inc.*, Order, File No. EB-02-MDIC-0037, DA 03-371 (EB-MDRD rel. Feb. 7, 2003); *MCI WorldCom Network Services, Inc. v. Allegiance Telecom, Inc.*, Order, File No. EB-02-MDIC-0037, DA 03-207 (EB-MDRD rel. Jan. 9, 2003).

⁷ Consent Motion of MCI WORLDCOM Network Services, Inc. Requesting Waiver of Section 1.718 of the Commission's Rules and Further Extension of Time In Which to Convert Its Informal Complaint to a Formal Complaint and Toll the Limitations Period, File No. EB-02-MDIC-0037 (filed Apr. 2, 2003) at 2.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

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 MCI WORLDCOM Network Services, Inc. must convert its Informal Complaint against Allegiance Telecom, Inc. into a formal complaint pursuant to section 1.718 of our rules, 47 C.F.R. § 1.718, is extended to **April 18, 2003**.

FEDERAL COMMUNICATIONS COMMISSION

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