

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

In the Matter of	)	
	)	
MAP Mobile Communications, Inc.,	)	
	)	
Complainant,	)	
	)	
v.	)	File No. EB-02-TC-F-002
	)	
MCI WorldCom Network Services, Inc. and MCI	)	
WorldCom Communications, Inc.,	)	
	)	
Defendants.	)	

**ORDER**

**Adopted: January 15, 2003**

**Released: January 16, 2003**

By the Chief, Telecommunications Consumers Division, Enforcement Bureau:

1. On March 6, 2002, MAP Mobile Communications, Inc. (MAP or Complainant) filed a formal complaint against MCI WorldCom Network Services, Inc. and MCI WorldCom Communications, Inc. (collectively MCIW or Defendants), pursuant to Section 208 of the Communications Act of 1934, as amended (the Act).<sup>1</sup> In the complaint, MAP alleged that MCIW had violated Sections 201(b) and 202(a) of the Act<sup>2</sup> by intentionally misrepresenting its charges and practices, misrepresenting the nature of its services, engaging in unfair and deceptive marketing practices, imposing discriminatory charges, providing misleading billing information, and threatening unwarranted denial of service.<sup>3</sup> On July 21, 2002, after discovery was completed and briefs were filed by both parties, WorldCom, Inc. filed a Voluntary Petition under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York.<sup>4</sup> Subsequently, MCIW filed a Notice of Stay (Notice), alleging that pursuant to the provisions of 11 U.S.C. Section 362, the above-captioned proceeding was stayed, effective immediately.<sup>5</sup> MAP filed a response requesting that the Telecommunications Consumers Division disallow MCIW's Notice and continue its prosecution of the above-referenced complaint proceeding.<sup>6</sup> On January 3, 2003, the parties filed a Joint Motion to Dismiss with Prejudice, notifying the Commission that they had reached a full and complete

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<sup>1</sup> 47 U.S.C. § 208.

<sup>2</sup> *Id.* §§ 201(b), 202(a).

<sup>3</sup> *See* Formal Complaint of MAP Mobile Communications, Inc., at i (filed March 6, 2002).

<sup>4</sup> The Petition filed on behalf of WorldCom has been assigned Case No. 02-13533-ajg.

<sup>5</sup> Notice of Stay, filed July 23, 2002.

<sup>6</sup> Reply to WorldCom Inc.'s Notice of Stay, filed July 25, 2002.

settlement of all issues raised in the above-captioned formal complaint proceeding.<sup>7</sup> In this order, we grant the parties' motion to dismiss with prejudice, concluding that such action is in the public interest.

2. We are satisfied that dismissing this complaint will serve the public interest by promoting the private resolution of disputes and by reducing the expenditure of further time and resources by the parties and by this Commission. Furthermore, in view of the parties' request that we dismiss the complaint with prejudice, we believe that such dismissal is in the public interest.

3. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), 201(b), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 201(b), 208, and the authority delegated by sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the formal complaint of MAP Mobile Communications, Inc. v. WorldCom, Inc., et. al., filed on March 6, 2002, is DISMISSED WITH PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Colleen Heitkamp  
Chief  
Telecommunications Consumers Division  
Enforcement Bureau

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<sup>7</sup> Joint Motion to Dismiss with Prejudice, filed January 3, 2003.