

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

COX VIRGINIA TELCOM, )
INC., )
Complainant, )
v. )
VERIZON SOUTH INC., )
Defendant. )

File No. EB-01-006

ORDER

Adopted: February 5, 2003

Released: February 6, 2003

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

1. On July 1, 2002, Cox Virginia Telcom, Inc. ("Cox") filed a formal complaint against Defendant Verizon South Inc. ("Verizon South").1 The complaint alleges that Verizon South unlawfully refused to pay certain charges billed by Cox for reciprocal compensation for calls by Verizon South customers to Internet service providers served by Cox, and seeks damages for those charges, associated late fees and interest.2

2. On January 15, 2003, the parties filed a Joint Request For Dismissal of Complaint, in which they state that they have reached a mutually-acceptable resolution of the issues alleged in the complaint, and move that we dismiss the complaint with prejudice.3

3. We grant the parties' joint motion to dismiss the complaint, with prejudice. We find that dismissal at this stage is appropriate, and will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further litigation and the expenditure of additional time and resources of the parties and this Commission.

1Cox Virginia Telcom, Inc. v. Verizon South Inc., File No. EB-01-006 (filed July 1, 2002) (the "Complaint").

2Complaint at ¶¶ 75-83.

3Joint Request for Dismissal of Complaint, File No. EB-01-006 (filed Jan. 15, 2003).

4. ACCORDINGLY, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 252(e)(5) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 252(e)(5), and sections 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.720-1.736, and authority delegated by 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 with prejudice the above-captioned complaint filed by Cox and Verizon South IS GRANTED in its entirety.

5. IT IS FURTHER ORDERED, pursuant to sections 4(i), 4(j), and 252(e)(5) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 252(e)(5), and sections 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.720-1.736, and authority delegated by sections 0.111, and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the above-captioned complaint IS DISMISSED WITH PREJUDICE in its entirety and the proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

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