

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

APCC Services, Inc.,)	
Data Net Systems, LLC,)	
Davel Communications, Inc.,)	
Jaroth, Inc. dba Pacific Telemanagement)	
Services, and)	
Intera Communications Corp.,)	
)	
Complainants,)	
)	
v.)	File No. EB-03-MDIC-0022
)	
Telstar International, Inc.,)	
)	
Defendant.)	

ORDER

Adopted: April 15, 2004

Released: April 19, 2004

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

1. On June 30, 2003, APCC Services, Inc., *et al.* (“APCC” or “Complainants”) filed an informal complaint pursuant to section 1.716 of the Commission’s rules¹ alleging that Telstar International, Inc. (“Telstar”) is responsible for paying dial around compensation for certain types of completed calls carried by its network that originated from APCC’s payphones.²

¹ 47 C.F.R. § 1.716.

² Letter from Allan C. Hubbard, Attorney for Complainants, to Marlene H. Dortch, Secretary, Federal Communications Commission (Jun. 30, 2003) (“informal complaint”).

Telstar replied to the informal complaint on August 16, 2003.³ Therefore, pursuant to section 1.718 of the Commission's rules, Complainants were required to convert their informal complaint into a formal complaint by February 16, 2004, or their informal complaint would be deemed to have been abandoned.⁴

2. Since Telstar's August 16, 2003 response, the parties have engaged in discussions in an attempt to resolve the informal complaint.⁵ On March 8, 2004, the parties participated in a conference call with Commission staff to discuss possible mediation of the dispute by the Market Disputes Resolution Division. The parties agreed to schedule staff-supervised settlement negotiations for May 19, 2004, and have requested a further extension of time to June 11, 2004 to convert the informal complaint to a formal complaint.⁶ In view of the parties' good faith and progress toward settlement of outstanding issues, we are satisfied that granting the Joint Waiver Request will serve the public interest 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.

3. 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 Request for Extension of Time to File Complainants' Formal Complaint IS GRANTED.

4. IT IS FURTHER ORDERED that the deadlines that would otherwise apply under section 1.718 of our rules, 47 C.F.R. § 1.718, are hereby waived, and the date that

³ Letter from Menachem Ash, General Counsel, Telstar, to Sandra Gray-Fields, Staff Assistant, Market Disputes Resolution Division, Enforcement Bureau, FCC, File No. EB-03-MDIC-0022 (Aug. 16, 2003).

⁴ 47 C.F.R. § 1.718.

⁵ See Letters from Allan C. Hubbard, Attorney for Complainants, to Jonathan Reel, Attorney, Market Disputes Resolution Division, Enforcement Bureau, FCC, File No. EB-03-MDIC-0022 (Feb. 5, 2004 and Mar 2, 2004); Letter from Menachem Ash, Attorney for Defendants, to Jonathan Reel, Attorney, Market Disputes Resolution Division, Enforcement Bureau, FCC, File No. EB-03-MDIC-0022 (Feb. 9, 2004); *APCC et al. v. Telstar*, Order, DA No. 04-343, File No. EB-03-MDIC-0022 (rel. Feb. 11, 2004) (Extension of time to convert until March 16, 2004); *APCC et al. v. Telstar*, Order, DA No. 04-682, File No. EB-03-MDIC-0022 (rel. Mar. 12, 2004) (Extension of time to convert until April 16, 2004).

⁶ Letters from Allan C. Hubbard, Attorney for Complainants, to Jonathan Reel, Attorney, Market Disputes Resolution Division, Enforcement Bureau, FCC, File No. EB-03-MDIC-0022 (Apr. 6, 2004 and Apr. 15, 2004) ("Joint Waiver Request").

Complainants must convert their informal complaint against Telstar to a formal complaint is extended to June 11, 2004, unless otherwise extended by further order.

FEDERAL COMMUNICATIONS COMMISSION

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