

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

In the Matter of	)	
	)	
Core Communications, Inc.,	)	
	)	
Complainant,	)	
	)	
v.	)	File No. EB-01-MD-007
	)	
Verizon Maryland Inc.,	)	
	)	
Defendant.	)	
	)	

**ORDER**

**Adopted: May 10, 2004**

**Released: May 11, 2004**

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

1. On March 21, 2001, Core Communications, Inc. (“Core”) filed a formal complaint<sup>1</sup> against Verizon Maryland Inc. (“Verizon”) pursuant to section 208 of the Communications Act of 1934, as amended (“Act”).<sup>2</sup> In its Complaint, Core alleged, *inter alia*, that Verizon violated section 251(c) of the Act.<sup>3</sup> The Complaint requested that Commission staff bifurcate the proceeding pursuant to section 1.722(d) of the Commission’s rules,<sup>4</sup> and address liability issues prior to consideration of damages issues.<sup>5</sup>

2. In the *Liability Order*,<sup>6</sup> the Commission granted the Complaint in part, finding

<sup>1</sup> Formal Complaint, File No. EB-01-MD-007 (filed Mar. 21, 2001) (“Complaint”).

<sup>2</sup> 47 U.S.C. § 208.

<sup>3</sup> Complaint at 8-9, ¶¶ 27, 31 (citing 47 U.S.C. § 251(c)).

<sup>4</sup> 47 C.F.R. § 1.722(d).

<sup>5</sup> Complaint at 9-10, ¶ 33. See 47 C.F.R. § 1.722(c).

<sup>6</sup> *Core Communications, Inc. v. Verizon Maryland Inc.*, Memorandum Opinion and Order, 18 FCC Red 7962 (2003) (“*Liability Order*”) at 7983, ¶ 53, *petition for recon. pending*.

that Verizon had violated section 251(c)(2)(D) of the Act.<sup>7</sup> In accordance with Core's request that the proceeding be bifurcated, the *Liability Order* did not address the issue of damages.<sup>8</sup>

3. After the *Liability Order* was released, Core filed a Supplemental Complaint, pursuant to section 1.722 of the Commission's rules, seeking damages and interest.<sup>9</sup> In addition, Verizon filed a Petition for Reconsideration<sup>10</sup> of the *Liability Order* pursuant to section 405(a) of the Act.<sup>11</sup>

4. Core and Verizon have now filed a Joint Motion requesting that the Complaint, the Supplemental Complaint, and the Petition be dismissed with prejudice.<sup>12</sup> Core and Verizon state in the Joint Motion that they have reached a mutually-acceptable resolution of the dispute between them.<sup>13</sup>

5. We are satisfied that dismissing the Complaint, the Supplemental Complaint, and the Petition with prejudice will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further litigation and the expenditure of further time and resources of the parties and this Commission.

6. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), and 208, sections 1.720-1.729 of the Commission's rules, 47 C.F.R. §§ 1.720-1.729, and the authority delegated in section 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311, that the Joint Motion IS GRANTED, that the Complaint, the Supplemental Complaint and the Petition ARE DISMISSED WITH PREJUDICE, and this proceeding is hereby terminated.

FEDERAL COMMUNICATIONS COMMISSION

Radhika V. Karmarkar  
Deputy Chief, Market Disputes Resolution Division  
Enforcement Bureau

---

<sup>7</sup> 47 U.S.C. § 251(c)(2)(D).

<sup>8</sup> See *Liability Order*, 18 FCC Rcd at 7984 n.64. See also 47 C.F.R. § 1.722(c).

<sup>9</sup> Supplemental Complaint for Damages, File No. EB-01-MD-007 (filed July 21, 2003); First Amended Supplemental Complaint for Damages, File No. EB-01-MD-007 (filed Aug. 11, 2003) (collectively, "Supplemental Complaint").

<sup>10</sup> Verizon's Petition for Reconsideration of the Commission's Memorandum Opinion and Order, File No. EB-01-MD-007 (filed May 23, 2003) ("Petition").

<sup>11</sup> 47 U.S.C. § 405(a).

<sup>12</sup> Joint Motion to Dismiss with Prejudice, File No. EB-01-MD-007 (filed May 7, 2004) ("Joint Motion").

<sup>13</sup> Joint Motion at 2.