

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

In the Matter of)	
)	
Ketchikan Internet Services, David Brown, and)	
Richard Watson,)	
)	
Complainants,)	
)	File No. EB-04-MD-001
v.)	
)	
City of Ketchikan d/b/a Ketchikan Public)	
Utilities,)	
)	
Defendant.)	

ORDER

Adopted: June 2, 2004

Released: June 2, 2004

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

1. On May 28, 2004, the complainants, Ketchikan Internet Services, David Brown, and Richard Watson (“KIS”), and the defendant, City of Ketchikan d/b/a Ketchikan Public Utilities (“KPU”), filed a Stipulation of Dismissal With Prejudice¹ seeking dismissal of the above-captioned proceeding, which was initiated by a Complaint filed on January 9, 2004.² The Complaint alleged, *inter alia*, that KPU unlawfully subsidized its competitive internet service business with the proceeds of its non-competitive telephone business in violation of §§ 254(e) and (k).³ The Stipulation of Dismissal is signed by counsel for both complainants and defendant and states that all parties to the proceeding “hereby stipulate that all claims asserted in such proceeding are hereby dismissed with prejudice, each party to bear its own costs and fees.”⁴

¹ Stipulation of Dismissal With Prejudice, File No. EB-04-MD-001 (filed May 28, 2004) (“Stipulation of Dismissal”).

² Complaint, File No. EB-04-MD-001 (filed Jan. 9, 2004) (“Complaint”).

³ 47 U.S.C. §§ 254(e) and (k).

⁴ Stipulation of Dismissal at 1.

2. We are satisfied that dismissing the Complaint 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.

3. 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 sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311, that the Stipulation of Dismissal With Prejudice is GRANTED, and that the Complaint is DISMISSED with prejudice.

4. IT IS FURTHER ORDERED that the above-captioned proceeding is TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

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