

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

Indiana Telcom Corporation, Inc.)	
)	
Complainant,)	
)	
v.)	File No. EB-02-MD-023
)	
BellSouth Telecommunications, Inc. f/k/a)	
South Central Bell Telephone Company,)	
)	
Defendant.)	
)	
)	
)	

ORDER

Adopted: September 2, 2004

Released: September 3, 2004

By the Deputy Chief, Market Disputes Resolution Division:

1. On April 26, 2002, Indiana Telcom Corporation, Inc. filed with this Commission a formal complaint against BellSouth Telecommunications, Inc. f/k/a South Central Bell Telephone Company, asserting that the Defendant violated sections 201(b) and 203(c) of the Communications Act of 1934, as amended (the “Act”) and Part 69 of the Commission’s rules by improperly assessing end user common line (“EUCL”) charges on the Complainant’s payphones.¹

2. On January 14, 2004, Complainant filed a motion requesting that we dismiss the formal complaint in this proceeding with prejudice, as the parties have settled their dispute.² We grant Complainant’s motion to dismiss the formal 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 eliminating the expenditure of further time and resources of the parties and the Commission.

3. ACCORDINGLY, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), and 208 of the Communications Act, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 208, sections 1.720-1.736 of the Commission’s rules, 47 C.F.R. §§ 1.720-1.736, and the authority delegated by sections 0.111 and 0.311 of

¹47 U.S.C. §§ 201(b) and 203(c); Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. (1996); 47 C.F.R. §§ 69.1 *et seq.*

²*Indiana Telcom Corporation v. BellSouth Telecommunications, Inc. f/k/a South Central Bell Telephone Company*, Notice of Settlement and Motion to Dismiss Formal Complaint With Prejudice, FCC, File No. EB-02-MD-023 (filed January 14, 2004). Because the Commission order assessing liability in this case was on appeal to the D.C. Circuit at the time this motion was filed, we deferred ruling on the motion until the appeal had been decided and mandate issued. *Communications Vending Corp. of Ariz., Inc. et al. v. FCC*, 365 F3d 1064 (D.C. Cir. 2004).

the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311, that the above-captioned complaint IS DISMISSED WITH PREJUDICE in its entirety and the proceeding is TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

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