

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

Indiana Telecom Corporation, Inc.,)	
)	
Complainant,)	
)	
v.)	File No. EB-02-MD-025
)	
Telephone and Data Systems, Inc.,)	
TDS Telecommunications Corporation,)	
Tipton Telephone Company, Inc.)	
d/b/a TDS Telcom, Communications)	
Corporation of Indiana d/b/a TDS Telcom,)	
and Home Telephone Company of Pittsboro, Inc.)	
)	
Defendants.)	
)	

ORDER

Adopted: September 2, 2004

Released: September 3, 2004

By the Deputy Chief, Market Disputes Resolution Division:

1. On April 26, 2002, Indiana Telecom Corporation, Inc. (“ITC”) filed with this Commission a formal complaint against Telephone and Data Systems, Inc., TDS Telecommunications Corporation, Tipton Telephone Company, Inc. d/b/a TDS Telcom, Communications Corporation of Indiana d/b/a TDS Telcom, and Home Telephone Company of Pittsboro, Inc. (“TDS”), asserting that the Defendants violated sections 201(b) and 203(c) of the Communications Act of 1934, as amended (the “Act”) and Part 69 of the Commission’s rules¹ by improperly assessing end user common line (“EUCL”) charges on the Complainant’s payphones.²

2. On September 12, 2003, Complainant filed a motion requesting that we dismiss the formal complaint in this proceeding with prejudice, as the parties have settled their dispute.³ We grant

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 Telecom Corporation v. Telephone and Data Systems, Inc., TDS Telecommunications Corporation, Tipton Telephone Company, Inc. d/b/a TDS Telcom, Communications Corporation of Indiana d/b/a TDS Telcom, and Home Telephone Company of Pittsboro, Inc.*, Supplement to Formal complaint, File No. EB-02-MD-025 (filed Apr. 26, 2002).

³*Indiana Telecom Corporation v. Telephone and Data Systems, Inc., TDS Telecommunications Corporation, Tipton Telephone Company, Inc. d/b/a TDS Telcom, Communications Corporation of Indiana d/b/a TDS Telcom, and Home Telephone Company of Pittsboro, Inc.*, Notice of Settlement and Motion to Dismiss Formal Complaint With Prejudice, FCC, File No. EB-02-MD-025 (filed Sept. 12, 2003). Because the Commission order imposing liability (footnote continued on next page)

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 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

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).