

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

In the Matter of)	
)	
Verizon,)	
)	
Complainant,)	File No. EB-04-MDIC-095
)	
v.)	
)	
Operator Communications, Inc.,)	
)	
Defendant.)	

ORDER

Adopted: December 17, 2004

Released: December 20, 2004

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

1. On June 30, 2004, pursuant to section 1.716 of the Commission rules,¹ Verizon filed an informal complaint against Operator Communications, Inc., (“OCI”) in the above-captioned matter.² On July 16, 2004, Verizon responded to written questions posed by Commission staff, and on September 3, 2004, OCI responded to Verizon’s informal complaint. At the request of Commission staff, Verizon submitted a written reply to OCI’s response on October 27, 2004. Both parties agreed to participate in FCC-supervised mediation, which was initially scheduled for December 23, 2004. At the request of the parties, the mediation session was rescheduled for January 11, 2005. Pursuant to section 1.718 of the Commission’s rules,³ Verizon is required to convert its informal complaint into a formal complaint by December 30, 2004 to ensure that, for purposes of the statute of limitations, the formal complaint relates back to the June 30, 2004 filing date of the informal complaint

2. On December 16, 2004, Verizon, with the consent of OCI, requested that the FCC extend

¹ 47 C.F.R. § 1.716.

² Letter from Kathleen M. Grillo, counsel for Verizon, to Radhika Karmarkar, Market Disputes Resolution Division, Enforcement Bureau, File No. EB-04-MDIC-0095 (June 30, 2004). Verizon filed a corrected version of its informal complaint on July 2, 2004. See Letter from Kathleen M. Grillo, counsel for Verizon, to Radhika Karmarkar, Market Disputes Resolution Division, Enforcement Bureau, File No. EB-04-MDIC-0095 (July 2, 2004).

³ 47 C.F.R. § 1.718.

the conversion deadline for four months, until April 30, 2005.⁴ Verizon therefore requests that the Commission waive section 1.718 of the Commission's rules, and further extend until April 30, 2005 the period in which Verizon can convert its informal complaint to a formal complaint in order to provide the parties time to mediate their dispute and resolve the matter without the need for formal litigation. Verizon indicates in its letter requesting an extension that counsel for OCI has consented to this request.⁵

3. We are satisfied that granting Verizon's request for extension will serve the public interest by promoting the private resolution of disputes and 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.

4. 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 Verizon's request for extension IS GRANTED.

5. IT IS FURTHER ORDERED that, unless otherwise extended by order, the deadlines that would otherwise apply under section 1.718 of the Commission's rules, 47 C.F.R. § 1.718, are hereby waived, and the date on which Verizon must convert its informal complaints against OCI into a formal complaint pursuant to section 1.718 of the Commission's rules, 47 C.F.R. § 1.718, is extended to **April 30, 2005**.

FEDERAL COMMUNICATIONS COMMISSION

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

⁴ Letter from Kathleen M. Grillo, counsel for Verizon, to Radhika Karmarkar, Market Disputes Resolution Division, Enforcement Bureau, File No. EB-04-MDIC-0095 (December 16, 2004).

⁵ *Id.*

