

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

In the Matter of)	
)	
Fiber Technologies Networks, L.L.C.,)	
)	
Petitioner,)	
)	
v.)	File No. EB-03-MD-005
)	
Duquesne Light Company,)	
)	
Respondent.)	
)	

ORDER

Adopted: March 12, 2004

Released: March 15, 2004

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

1. On March 11, 2004, complainant Fiber Technologies Networks, L.L.C. (“Fiber Tech”) filed a Notice of Withdrawal¹ seeking dismissal with prejudice of its Complaint against Duquesne Light Company (“Duquesne”) filed on April 8, 2003.² The Complaint alleged, *inter alia*, that Duquesne violated 47 U.S.C. § 224 by overcharging and causing unreasonable delays with respect Fibertech’s attachment to Duquesne poles in Pittsburgh. The Notice of Withdrawal, to which defendant Duquesne Light Company consents, states that the parties have settled their dispute.

2. We are satisfied that dismissing the Complaint 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.

¹ Notice of Withdrawal of Complaint, File No. EB-03-MD-005 (filed Mar. 11, 2004) (“Notice of Withdrawal”).

² Complaint, File No. EB-03-MD-005 (filed Apr. 8, 2003) (“Complaint”).

3. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), and 224 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 224, 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 Notice of Withdrawal of complaint 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