

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

Texas and Kansas City Cable Partners, L.P.,)	
d/b/a Time Warner Cable,)	
)	
Complainant,)	
)	File No. EB-05-MDIC-0011
v.)	
)	
Southwestern Bell Telephone Company,)	
)	
Defendant.)	

ORDER

Adopted: June 2, 2005

Released: June 3, 2005

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

1. On May 20, 2005, the complainant, Texas and Kansas City Cable Partners, L.P. d/b/a Time Warner (“Time Warner Cable”), filed a motion to withdraw with prejudice¹ the Complaint that it filed against Southwestern Bell Telephone Company (“Southwestern Bell”) on December 3, 2004.² In short, the Complaint alleges that Southwestern Bell violated section 224 of the Communications Act³ and section 1.1403(a) of the Commission’s rules⁴ by refusing to grant Time Warner Cable access to Southwestern Bell’s conduit along the Queen Isabella Causeway in Texas.⁵ The Motion states that the parties “have successfully negotiated a settlement to their dispute,”⁶ and that, as part of that settlement, Time Warner Cable has agreed to withdraw its Complaint in this proceeding.⁷

¹ Letter from Yaron Dori, Hogan & Hartson, L.L.P., to Marlene H. Dortch, Secretary, Federal Communications Commission, File No. EB-05-MDIC-0011 (filed May 20, 2005) (“Motion”).

² Complaint, File No. EB-04-MD-013 (filed Dec. 3, 2004) (“Complaint”).

³ 47 U.S.C. § 224.

⁴ 47 C.F.R. § 1.1403(a).

⁵ Complaint at 1-4, ¶¶ 2-6.

⁶ Motion at 1.

⁷ Motion at 1. On February 17, 2005, the Market Disputes Resolution Division converted the Complaint from an active to an inactive complaint. See *Texas and Kansas City Cable Partners, L.P., d/b/a Time Warner Cable v. Southwestern Bell Telephone Co.*, Memorandum Opinion and Order, DA 05-440, File No. EB-04-MD-013 (Mkt.

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 224 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), and 224, and the authority delegated in sections 0.111, 0.311, and 1.1401-1.1418 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, and 1.1401-1.1418, that the Motion is GRANTED, and that the Complaint is DISMISSED with prejudice.

FEDERAL COMMUNICATIONS COMMISSION

Lisa B. Griffin
Deputy Chief, Market Disputes Resolution Division

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Disp. Res. Div. Feb. 17, 2005) (“Memorandum Opinion and Order”). The Memorandum Opinion and Order granted the parties’ request that the Commission suspend its consideration of the Complaint while the parties attempted to settle their dispute. Memorandum Opinion and Order at 2. The Memorandum Opinion and Order found that good cause existed to grant the parties’ request, and, in order to allow the parties to devote their full attention to settlement efforts, converted the Complaint to an inactive complaint. *Id.* In so doing, the Memorandum Opinion and Order assigned this matter a new docket number: EB-05-MDIC-0011. Today’s Order dismisses with prejudice the inactive complaint proceeding.