

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

In the Matter of)	
)	
National A-1 Advertising, Inc.,)	
)	
Complainant,)	
)	File No. EB-05-MDIC-0009
v.)	
)	
BellSouth)	
Telecommunications, Inc.,)	
)	
Defendant.)	
)	
)	

ORDER

Adopted: June 9, 2005

Released: June 10, 2005

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

1. On October 4, 2004, National A-1 Advertising, Inc. (“National”) filed a formal complaint against defendant BellSouth Telecommunications, Inc. (“BellSouth”)¹ pursuant to section 208 of the Communications Act of 1934, as amended (“Act”).²

2. On February 1, 2005, staff held a telephone conference with counsel for the parties to discuss the status of the parties’ then on-going settlement negotiations. Counsel for both parties informed staff that the parties were still in the process of attempting to negotiate a settlement of this dispute, and would need additional time to determine whether such a settlement could be achieved. Staff discussed with counsel the option of converting the Complaint to an informal complaint in order to allow the parties to devote their full attention to resolving this dispute by agreement. Counsel for both parties agreed that conversion to an informal complaint would be beneficial.

3. On February 3, 2005, National submitted a letter to Commission staff requesting that the Complaint be converted to an informal complaint.³ National noted that this request was

¹Amended Formal Complaint, File No. EB-04-MD-012 (filed Oct. 4, 2004) (“Complaint”). National’s original complaint was filed on August 26, 2004.

²47 U.S.C. § 208.

“in aid of discussions looking toward settlement between the parties.”⁴ Staff granted National’s Conversion Request on February 8, 2005, and issued a letter order converting National’s formal complaint, which had a file number of EB-04-MD-012, to an informal complaint with a file number of EB-05-MDIC-0009.⁵

4. On May 13, 2005, National filed a letter requesting that its informal complaint be dismissed without prejudice.⁶ National’s counsel represented that BellSouth has no objection to National’s Dismissal Request.⁷

5. We are satisfied that granting the Dismissal Request will serve the public interest by eliminating the need for further litigation and the expenditure of further time and resources of the parties and this Commission.

6. 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, sections 1.711-1.736 of the Commission’s rules, 47 C.F.R. §§ 1.711-1.736, 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 National’s Dismissal Request IS GRANTED.

7. IT IS FURTHER 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, sections 1.711-1.736 of the Commission’s rules, 47 C.F.R. §§ 1.711-1.736, 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 National’s informal complaint against BellSouth IS DISMISSED WITHOUT PREJUDICE.⁸

FEDERAL COMMUNICATIONS COMMISSION

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

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³Letter from Charles H. Helein, counsel for National, to Lisa J. Saks, Attorney Advisor, Market Disputes Resolution Division, File No. EB-04-MD-012 (Feb. 3, 2005) (“Conversion Request”).

⁴February 3, 2005 Conversion Request at 1.

⁵Letter Order from Radhika Karmarkar, Deputy Chief, Market Disputes Resolution Division, File No. EB-04-MD-012 (Feb. 8, 2005) (“Conversion Order”).

⁶Letter from Charles H. Helein, counsel for National, to Marlene H. Dortch, Secretary, Federal Communications Commission, File No. EB-05-MDIC-0009, formerly EB-04-MD-012 (May 13, 2005) (“Dismissal Request”).

⁷*Id.*

⁸We note that, although the Conversion Order stated that “either party, upon a showing of good cause, may move to re-convert the informal complaint back to a formal complaint,” *see* Conversion Order at 3, ¶ 9, the right to re-convert to a formal complaint is extinguished by the instant order granting National’s Dismissal Request.