

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

In the Matter of)	
)	
Operator Communications, Inc.,)	
)	
Complainant,)	
)	
v.)	
)	
Verizon California, Inc., Verizon Washington,)	
D.C., Verizon New York, Inc., Verizon Delaware,)	
Inc., Verizon Florida, Inc., Verizon Hawaii, Inc.,)	File No. EB-04-MDIC-0096
Verizon Northwest, Inc., Verizon New Jersey,)	
Inc., Verizon New England, Inc., Verizon)	
Southwest, Inc., Verizon Pennsylvania, Inc.,)	
Verizon North, Inc., Verizon Virginia, Inc.,)	
Verizon South, Inc., Verizon West Virginia, Inc.,)	
and GTE Southwest, Inc., d/b/a Verizon)	
Southwest,)	
)	
Defendants.)	

ORDER

Adopted: January 4, 2005

Released: January 4, 2005

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

1. On July 6, 2004, pursuant to section 1.716 of the Commission rules,¹ Operator Communications, Inc., (“OCI”) filed an informal complaint against Verizon California, Inc., Verizon Washington, D.C., Verizon New York, Inc., Verizon Delaware, Inc., Verizon Florida, Inc., Verizon Hawaii, Inc., Verizon Northwest, Inc., Verizon New Jersey, Inc., Verizon New England, Inc., Verizon Southwest, Inc., Verizon Pennsylvania, Inc., Verizon North, Inc., Verizon Virginia, Inc., Verizon South, Inc., Verizon West Virginia, Inc., and GTE Southwest, Inc., d/b/a Verizon Southwest (collectively, “Verizon”) in the above-captioned matter.² On July 16, 2004, OCI responded to written questions posed

¹ 47 C.F.R. § 1.716.

² Letter from Danny E. Adams, counsel for OCI, to Alexander P. Starr, Chief, Market Disputes Resolution Division, Enforcement Bureau, File No. EB-04-MDIC-0096 (filed July 6, 2004).

by Commission staff,³ and on September 3, 2004, Verizon responded to OCI's informal complaint.⁴ 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,⁵ OCI is required to convert its informal complaint into a formal complaint by January 6, 2005 to ensure that, for purposes of the statute of limitations, the formal complaint relates back to the July 6, 2004 filing date of the informal complaint.

2. On December 23, 2004, OCI, with the consent of Verizon, requested that the FCC extend the conversion deadline for four months, until April 30, 2005.⁶ OCI 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 OCI 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. OCI indicates in its letter requesting an extension that counsel for Verizon has consented to this request.⁷

3. We are satisfied that granting OCI'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 OCI's request for extension IS GRANTED.

5. IT IS FURTHER ORDERED that, unless otherwise extended by order, the deadlines that

³ Letter from Danny E. Adams, counsel for OCI, to Alexander P. Starr, Chief, Market Disputes Resolution Division, Enforcement Bureau, File No. EB-04-MDIC-0096 (filed July 16, 2004).

⁴ Letter from Kathleen Grillo, counsel for Verizon, to Radhika Karmarkar, Chief, Market Disputes Resolution Division, Enforcement Bureau, File No. EB-04-MDIC-0096 (filed September 3, 2004).

⁵ 47 C.F.R. § 1.718.

⁶ Letter from Danny E. Adams, counsel for OCI, to Radhika Karmarkar, Market Disputes Resolution Division, Enforcement Bureau, File No. EB-04-MDIC-0095 (filed December 23, 2004).

⁷ *Id.*

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 OCI 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

