

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

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|------------------------------|---|-----------------------|
| GCI Communications, Inc., |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | File No. EB-05-MD-011 |
| |) | |
| AT&T Corp. and AT&T Alascom, |) | |
| |) | |
| Defendants. |) | |
| |) | |

ORDER OF DISMISSAL

Adopted: January 20, 2006

Released: January 23, 2006

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

1. On January 6, 2006, the complainant, GCI Communications, Inc. (“GCI”), and the defendants, AT&T Corp. and AT&T Alascom (collectively, “defendants”), filed a motion to dismiss with prejudice¹ the Complaint that GCI filed against the defendants pursuant to section 208 of the Communications Act of 1934, as amended (“Act”).² In short, the Complaint alleges that the defendants unreasonably refused to provide GCI with AT&T’s Network Connection Service on terms comparable to those offered to other carriers.³ The Motion states that the parties “have reached an agreement to resolve the instant dispute,” and requests that the Commission “dismiss with prejudice” the complaint proceeding.⁴

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 208 of the Act, 47 U.S.C. §§ 151, 154(i), 154(j), and 208, and the authority delegated in sections 0.111, 0.311, and 1.720-1.736 of the Commission’s rules, 47 C.F.R. §§ 0.111, 0.311, and 1.720-1.736, that the Motion is GRANTED, and that the Complaint is DISMISSED with prejudice.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr
Chief, Market Disputes Resolution Division

¹ Letter to Lisa B. Griffin and Anthony J. DeLaurentis, FCC, from Frank G. Lamancusa, counsel for GCI, and James F. Bendernagel, Jr., counsel for the defendants, File No. EB-05-MD-011 (filed Jan. 6, 2006) (“Motion”).

² 47 U.S.C. § 208; Formal Complaint, File No. EB-05-MD-011 (filed June 17, 2005) (“Complaint”).

³ Complaint at 2-3, 15-22.

⁴ Motion at 1.