

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

| | | |
|------------------------------------|---|-----------------------|
| Fiber Technologies Networks, Inc., |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | File No. EB-06-MD-006 |
| |) | |
| Verizon New England and |) | |
| Narragansett Electric Company, |) | |
| |) | |
| Respondents. |) | |

ORDER OF DISMISSAL

Adopted: November 14, 2006

Released: November 15, 2006

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

1. On July 2, 2006, Fiber Technologies Networks, Inc., (“Fibertech”) filed a formal complaint pursuant to section 224 of the Communications Act of 1934, as amended (“Act”),¹ against Verizon New England (“Verizon”) and Narragansett Electric Company (“Narragansett”).² Fibertech alleged that Verizon and Narragansett had violated section 224 of the Act by denying Fibertech access to their utility poles in a timely manner.³

2. On November 1, 2006, Fibertech, Verizon and Narragansett filed a joint stipulation indicating that the parties agree that “all claims and counterclaims asserted in [this] proceeding are hereby dismissed with prejudice, each party to bear its own costs and fees.”⁴ The Joint Stipulation further recites that “[a]ll parties waive notice and all rights of appeal.”⁵ We construe the Joint Stipulation as indicating that the parties have satisfactorily resolved the dispute giving rise to the Complaint and as requesting that we dismiss the Complaint with prejudice.

3. 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 47 U.S.C. § 224. *See also* 47 C.F.R. §§ 1.1401-1.1418.

² Formal Complaint, File No. EB-06-MD-006 (filed Jul. 2, 2006) (“Complaint”).

³ 47 U.S.C. §§ 224().

⁴ Joint Stipulation of Dismissal with Prejudice, File No. EB-06-MD-006 (filed Nov. 1, 2006) (“Joint Stipulation”).

⁵ *Id.* at 1-2.

4. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 224 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 224, sections 1.1401-1.1418 of the Commission's rules, 47 C.F.R. §§ 1.1401-1.1418, 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 Joint Stipulation IS GRANTED, that the Complaint IS DISMISSED WITH PREJUDICE, and that this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Rosemary H. McEnery
Deputy Chief, Market Disputes Resolution Division
Enforcement Bureau