

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of
APCC Services, Inc.,
Data Net Systems, LLC,
Davel Communications, Inc.,
Jaroth, Inc. d/b/a Pacific Telemanagement Services,
and
Intera Communications Corp.,
Complainants,
v.
Tel-America of Salt Lake City, Inc.,
Defendant.
File No. EB-05-MD-018

ORDER OF DISMISSAL

Adopted: January 11, 2006

Released: January 11, 2006

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

1. On August 12, 2005, APCC Services, Inc., Data Net Systems, LLC, Davel Communications, Inc., Jaroth, Inc. d/b/a Pacific Telemanagement Services, and Intera Communications Corp. filed a formal complaint pursuant to section 208 of the Communications Act of 1934, as amended ("Act"), against Tel-America of Salt Lake City, Inc. The Complainants alleged that Tel-America had violated sections 201(b), 416(c), and 276 of the Act by failing to pay dial-around compensation to the payphone service provider Complainants.

1 47 U.S.C. § 208.

2 See Formal Complaint, File No. EB-05-MD-018 (filed Aug. 12, 2005) ("Complaint").

3 47 U.S.C. §§ 201(b), 416(c), and 276 .

2. On December 14, 2005, the Complainants filed a motion requesting that we dismiss the Complaint with prejudice.⁴ The Defendants filed no opposition. We grant the Motion to Dismiss. Dismissing the Complaint at this stage is appropriate and will serve the public interest by promoting the private resolution of disputes and eliminating the expenditure of further time and resources of the parties and the Commission.

3. 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 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.720-1.736, and the authority delegated by sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the above-captioned complaint IS DISMISSED WITH PREJUDICE in its entirety and the proceeding is TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Rosemary McEnery
Deputy Chief
Market Disputes Resolution Division
Enforcement Bureau

⁴ Motion to Dismiss, File No. EB-05-MD-018 (filed Dec. 14, 2005).