

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

In the Matter of
Informed Communication Systems, Inc.,
Complainant,
v.
Intelogistics Corp., d/b/a Prosodie Interactive,
Defendant.
File No. EB-05-MD-015

ORDER OF DISMISSAL

Adopted: March 7, 2006

Released: March 8, 2006

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

1. On March 3, 2006, the complainant, Informed Communication Systems, Inc. ("ICS"), filed a motion to dismiss with prejudice the formal complaint that it filed against Intelogistics Corp., d/b/a Prosodie Interactive ("Prosodie"), pursuant to section 208 of the Communications Act of 1934, as amended ("Act"). In its Complaint, ICS claims that Prosodie's refusal to port certain toll free numbers violates the Commission's number portability rules and section 201(b) of the Act, 47 U.S.C. § 201(b).

2. The Motion states that ICS and Prosodie have "entered into a settlement agreement that fully resolves the dispute" between them. Accordingly, ICS requests that the Commission dismiss its complaint with prejudice and terminate the proceedings. Prosodie does not object to ICS's request.

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.

4. 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), 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,

1 Motion to Terminate Proceedings, File No. EB-05-MD-015 (filed Mar. 3, 2006) ("Motion").

2 Formal Complaint, File No. EB-05-MD-015 (filed July 29, 2005) ("Complaint").

3 47 U.S.C. § 208.

4 Motion at 2.

5 Motion at 2-3.

6 Letter to Ms. Marlene H. Dortch, Secretary, FCC, from William K. Keane, Counsel for Intelogistics, File No. EB-05-MD-015 (filed Mar. 6, 2006).

and that the Complaint is DISMISSED with prejudice.

5. IT IS FURTHER ORDERED, pursuant to sections 1, 4(i), 4(j), and 208 of the Act, 47 U.S.C. §§ 151, 154(i), 154(j), 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 above-captioned complaint proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

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