

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

A Telecommunications, Accessible Payphones, Admiralty
Industries d/b/a San Diego Pay Telephones, Advanced Pay
Phone Services, Inc., Bay Area Telephone, Bay Distribution
Service, Inc. d/b/a Western Telecom, C/B Tel Inc., Central
Telephone, Inc., Century Payphone Systems, Charles Parsons
d/b/a Bayphones, Coin Communications, Cook Payphone
Company, Covenant Development Corp., Custom Teleconnect,
Inc., DTI Com LLC d/b/a Dee Union Svc., Easycoin Vending
Corp., The Telephone Company, Expense Management, Inc.,
GCB Communications Inc. d/b/a Pacific Communications,
Golden State Payphones, JA Communications, Littlejohn
Communications Inc., Megatronics Payphones, Mid-Valley
Payphones, Nastel Communication Corp., Nevada Telephone,
Inc., Pac Western, Paramount Payphone Southern LLC, Pay
Phones North, Inc., Payphone Technology Telesystems, Paytel
Northwest, Inc., PBS Telecom, Precision Pay Phones, Pro Com,
Professional Communications, Public Payphone, Inc., Public
Payphones, Public Paytel, Public Phone, Randy Hong d/b/a
Teletrex, RJ Communications, Robert Tong d/b/a Public Phone
Management., Stars and Stripes Communication Corporation,
Supertel, Tele Tech Inc., The Phone People Inc., The Redmond
Group, Western Payphone Network Inc., Western Payphone
Systems, Western Telephone, WHB Payphones, and Zane Greene,
Complainants,
v.
Covista, Inc., Covista Communications, Inc., and
Capsule Communications, Inc.,
Defendants.

File No.
EB-05-MD-021

ORDER OF DISMISSAL

Adopted: January 12, 2006

Released: January 13, 2006

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

1. On August 22, 2005, the above-captioned complainants (“Complainants”) filed a formal complaint¹ against Covista, Inc., Covista Communications, Inc., and Capsule Communications, Inc. (“Defendants”) pursuant to section 208 of the Communications Act of 1934, as amended (“Act”).² In their Complaint, Complainants alleged that Defendants violated sections 201(b), 276(b), and 416(c) of the Act and Commission rules by failing to make certain payphone compensation payments.³

2. Complainants have now filed a Motion⁴ requesting that the Complaint be dismissed with prejudice. Complainants state that they have reached a mutually-acceptable resolution of their dispute with Defendants, and that Defendants do not oppose the Motion.⁵

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 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, sections 1.720-1.736 of the Commission’s rules, 47 C.F.R. §§ 1.720-1.736, and the authority delegated in section 0.111 and 0.311 of the Commission’s rules, 47 C.F.R. §§ 0.111 and 0.311, that the Joint Motion 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

¹ Formal Complaint, File No. EB-05-MD-021 (filed Aug. 22, 2005) (“Complaint”).

² 47 U.S.C. § 208.

³ Complaint at 16, ¶ 70.

⁴ Motion to Dismiss, File No. EB-05-MD-021 (filed Dec. 5, 2005) (“Motion”).

⁵ Motion at 2, ¶ 3.