

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.
Pac-West Telecomm, Inc.,
Defendant.

File No.
EB-05-MD-023

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 Pac-West Telecomm, Inc. (“Defendant”) pursuant to section 208 of the Communications Act of 1934, as amended (“Act”).² In their Complaint, Complainants alleged that Defendant 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 Defendant, and that Defendant does 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-023 (filed Aug. 22, 2005) (“Complaint”).

² 47 U.S.C. § 208.

³ Complaint at 15-16, ¶ 71.

⁴ Motion to Dismiss, File No. EB-05-MD-023 (filed Jan. 4, 2006) (“Motion”).

⁵ Motion at 2, ¶ 3.