

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

APCC Services, Inc., Data Net Systems, LLC,)
Davel Communications, Inc., Jaroth, Inc.)
d/b/a Pacific Telemanagement Services,)
and Intera Communications Corp.,)
Complainants,)
v.)
CCL Historical, Inc., ATX Licensing, Inc.,)
and ATX Communications, Inc.,)
Defendants.)

File No. EB-04-MDIC-0001

ORDER

Adopted: April 3, 2006

Released: April 4, 2006

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

1. On March 27, 2006, the complainants, APCC Services, Inc., Data Net Systems, LLC, Davel Communications, Inc., Jaroth, Inc. d/b/a Pacific Telemanagement Services, and Intera Communications Corp. (collectively, "Complainants"), filed a motion to dismiss, with prejudice, their complaint against CCL Historical, Inc., ATX Licensing, Inc., and ATX Communications, Inc. (collectively, "Defendants"). The Complaint alleges that, in violation of sections 276 and 416(c) of the Act, as well as the Commission's rules and orders, Defendants wrongfully failed to pay dial-around compensation owed to Complainants, who are payphone service providers and/or the agents and/or assignees of PSPs for the billing and collection of dial-around compensation. Defendants consent to the Motion.

2. We are satisfied that dismissing the Complaint with prejudice and permanently

1 Formal Complaint, File No. EB-03-MD-018 (filed Oct. 10, 2003) ("Complaint"). The Complaint named seven defendants, and the file number originally assigned to the proceeding was EB-03-MD-018. Due to the subsequent initiation of bankruptcy proceedings, the Enforcement Bureau dismissed without prejudice the Complaint against four of the defendants. Order, File No. EB-03-MD-018 (rel. Mar. 22, 2004) ("Order") at 3. Moreover, with respect to the remaining three defendants, for purposes of internal docket organization only, the Bureau converted the Complaint into an informal complaint and gave the proceeding the above-referenced file number EB-04-MDIC-0001. Id.

2 Letter to Marlene H. Dortch, Secretary, FCC, from Allan C. Hubbard, counsel for Complainants, File No. EB-04-MDIC-0001 (filed Mar. 27, 2006) ("Motion").

3 Complaint at 4, 11-12.

4 Motion at 1.

terminating this proceeding 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.

3. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), and 208, and the authority delegated in sections 0.111, 0.311, and 1.716-1.718 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, and 1.716-1.718, that the Motion is GRANTED, and that the Complaint is DISMISSED with prejudice.

FEDERAL COMMUNICATIONS COMMISSION

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