

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

Robert Walton, DDS,
Complainant,
v.
Embarq Corporation,
Defendant.
File No. EB-08-MD-001

ORDER OF DISMISSAL

Adopted: May 22, 2008

Released: May 23, 2008

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

1. On January 3, 2008, Robert Walton, DDS ("Walton") filed with this Commission a formal complaint against Embarq Corporation ("Embarq") pursuant to section 208 of the Communications Act of 1934, as amended (the "Act"). The Complaint alleges that Embarq failed to credit to Walton's home and office accounts amounts for unauthorized international calls, and that Embarq in fact terminated service to Walton's house for lack of payment. Embarq filed its Answer on January 23, 2008. On May 16, 2008, Walton and Embarq filed a Joint Stipulation of Dismissal, stating that "the parties to this proceeding have reached a settlement of all issues," and ask that the complaint be dismissed with prejudice.

3. We are satisfied that granting the Joint Stipulation 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), 208, sections 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.720-1.736, and the authority delegated in sections 0.111, 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the Joint Stipulation of Dismissal IS GRANTED.

5. IT IS FURTHER ORDERED, pursuant to sections 4(i), 4(j), and 208 of the

1 Formal Complaint, File No. EB-08-MD-001 (filed Jan. 3, 2008) ("Complaint").

2 47 U.S.C. § 208.

3 Answer of Embarq, File No. EB-08-MD-001 (filed Jan. 23, 2008) ("Answer").

4 Joint Stipulation of Dismissal, File No. EB-08-MD-001 (filed May 16, 2008) ("Joint Stipulation").

Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 208, sections 1.720-1.736 of the Commission's rules, 47 C.F.R. §§ 1.720-1.736, and the authority delegated in sections 0.111, 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that Robert Walton, DDS's Complaint against Embarq Corporation IS DISMISSED WITH PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

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