

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

|                                      |   |                       |
|--------------------------------------|---|-----------------------|
| Fiber Technologies Networks, L.L.C., | ) |                       |
|                                      | ) |                       |
| Complainant,                         | ) |                       |
|                                      | ) |                       |
| v.                                   | ) | File No. EB-08-MD-003 |
|                                      | ) |                       |
| Narragansett Electric Company and    | ) |                       |
| Verizon New England,                 | ) |                       |
|                                      | ) |                       |
| Respondents.                         | ) |                       |

**ORDER OF TERMINATION**

**Adopted:** November 17, 2008

**Released:** November 18, 2008

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

1. On May 12, 2008, the above-named complainant (“Fibertech”) filed with this Commission an amended pole attachment complaint<sup>1</sup> against Narragansett Electric Company (“Narragansett”) and Verizon New England (“Verizon”) pursuant to section 224 of the Communications Act of 1934, as amended (“Act”),<sup>2</sup> and section 1.1401 *et seq.* of the Commission’s rules.<sup>3</sup> Fibertech immediately began settlement discussions with Narragansett and Verizon, and the proceeding was held in abeyance at the parties’ request.<sup>4</sup> Neither Narragansett nor Verizon has filed a response to the Complaint.

2. On November 12, 2008, Fibertech filed a Notice of Withdrawal of Amended Pole Attachment Complaint and Request to Terminate Proceeding<sup>5</sup> stating that Fibertech has resolved its dispute with Narragansett and Verizon, and that it is withdrawing its Complaint. The Motion also requests that the proceeding be terminated with prejudice. Narragansett and Verizon have stated that they

<sup>1</sup> Amended Pole Attachment Access Complaint, File No. EB-08-MD-003 (filed May 12, 2008) (“Complaint”).

<sup>2</sup> 47 U.S.C. § 224.

<sup>3</sup> 47 C.F.R. §§ 1.1404 -1.1418.

<sup>4</sup> See Letter from Lisa J. Saks, FCC, to J. D. Thomas, counsel to Fibertech, Shirley S. Fujimoto, counsel to Narragansett, and James Pachulski, counsel to Verizon, File No. EB-08-MD-003 (dated May 27, 2008); Letter from Lia B. Royle, FCC, to J. D. Thomas, Shirley S. Fujimoto, and James Pachulski, File No. EB-08-MD-003 (dated July 3, 2008); Letter from Lisa J. Saks to J. D. Thomas, Shirley S. Fujimoto, and James Pachulski, File No. EB-08-MD-003 (dated Oct. 8, 2008).

<sup>5</sup> Notice of Withdrawal of Amended Pole Attachment Complaint and Request to Terminate Proceeding, File No. EB-08-MD-003 (filed Nov. 12, 2008) (“Motion”).

consent to the Motion.<sup>6</sup>

3. We are satisfied that granting the Motion will serve the public interest by promoting the private resolution of disputes and eliminating the need for further litigation and the expenditure of additional time and resources of the parties and this Commission.

4. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), and 224 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), and 224, and the authority delegated in sections 0.111, 0.311, and 1.1401-1.1418 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, and 1.1401-1.1418, that the Motion is GRANTED, and that this proceeding is TERMINATED with prejudice.

FEDERAL COMMUNICATIONS COMMISSION

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

---

<sup>6</sup> E-mail from Rashann Duvall, counsel to Verizon, to J. D. Thomas, Shirley S. Fujimoto, and Lisa J. Saks, File No. EB-08-MD-003 (dated Nov. 13, 2008) (copy attached); E-mail from Shirley S. Fujimoto to J. D. Thomas, James Pachulski, and Lisa J. Saks, File No. EB-08-MD-003 (dated Nov. 13, 2008) (copy attached).

**From:** Fujimoto, Shirley [mailto:sfujimoto@mwe.com]  
**Sent:** Thursday, November 13, 2008 9:45 PM  
**To:** Lia Royle  
**Cc:** Thomas, John D.; Lisa Saks; rashann.duvall@verizon.com; Jim Pachulski; Rines, David  
**Subject:** RE: Fiber Tech/ Narragansett FCC Filing

Dear Lia:

Narragansett consents to Fibertech's Notice of Withdrawal of Amended Pole Attachment Complaint and Request to Terminate Proceeding filed with the agency on November 12, 2008.

Very truly yours,

Shirley S. Fujimoto  
McDERMOTT WILL & EMERY LLP  
600 Thirteenth Street, N.W.  
Washington, DC 20005-3096  
T: 202.756.8282  
F: 202.756.8087  
E: sfujimoto@mwe.com

---

**From:** Lia Royle [mailto:Lia.Royle@fcc.gov]  
**Sent:** Thursday, November 13, 2008 1:40 PM  
**To:** Fujimoto, Shirley; rashann.duvall@verizon.com; Jim Pachulski  
**Cc:** Thomas, John D.; Lisa Saks  
**Subject:** RE: Fiber Tech/ Narragansett FCC Filing

Dear Counsel,

Please let us know by November 18 whether you consent to this motion.

---

**From:** Kavadoy, Grace M. [mailto:gmkavadoy@hhlaw.com]  
**Sent:** Thursday, November 13, 2008 10:14 AM  
**To:** Fujimoto, Shirley; rashann.duvall@verizon.com; Rines, David; Jim Pachulski; Alex Starr; Lisa Saks; Lia Royle  
**Cc:** Thomas, John D.  
**Subject:** Fiber Tech/ Narragansett FCC Filing

Please find attached to this e-mail a stamped service copy of the filing filed yesterday with the Federal Communications Commission.

Please contact J.D. Thomas if you have any questions. Thank you,

**From:** Duvall, Rashann R. [mailto:rashann.duvall@verizon.com]  
**Sent:** Thursday, November 13, 2008 1:47 PM  
**To:** Lia Royle; Lisa Saks  
**Cc:** Thomas, John D.; Fujimoto, Shirley; Jim Pachulski  
**Subject:** RE: Fiber Tech/ Narragansett FCC Filing

Verizon consents.

Best,

Rashann

Rashann Duvall  
Verizon  
703.351.3179

---

**From:** Lia Royle [mailto:Lia.Royle@fcc.gov]  
**Sent:** Thursday, November 13, 2008 1:40 PM  
**To:** Fujimoto, Shirley; Duvall, Rashann R.; Jim Pachulski  
**Cc:** Thomas, John D.; Lisa Saks  
**Subject:** RE: Fiber Tech/ Narragansett FCC Filing

Dear Counsel,

Please let us know by November 18 whether you consent to this motion.

---

**From:** Kavadoy, Grace M. [mailto:gmkavadoy@hhlaw.com]  
**Sent:** Thursday, November 13, 2008 10:14 AM  
**To:** Fujimoto, Shirley; rashann.duvall@verizon.com; Rines, David; Jim Pachulski; Alex Starr; Lisa Saks; Lia Royle  
**Cc:** Thomas, John D.  
**Subject:** Fiber Tech/ Narragansett FCC Filing

Please find attached to this e-mail a stamped service copy of the filing filed yesterday with the Federal Communications Commission.

Please contact J.D. Thomas if you have any questions. Thank you,

GRACE KAVADOY, SENIOR PARALEGAL  
HOGAN & HARTSON LLP  
Columbia Square, 555 Thirteenth Street, NW, Washington, DC  
20004  
direct +1.202.637.4863 | cell +1.202.321.3212 | fax  
+1.202.637.5910  
gmkavadoy@hhlaw.com | http://www.hhlaw.com