

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

<b>In the Matter of</b>	)	
	)	
<b>APCC Services, Inc.</b>	)	
	)	
<b>Complainant,</b>	)	<b>File No. EB-08-MD-006</b>
	)	
<b>v.</b>	)	
	)	
<b>Next-G Communications, Inc.,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**ORDER OF DISMISSAL**

**Adopted: December 4, 2008**

**Released: December 5, 2008**

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

1. On August 12, 2008, APCC Services, Inc. (“APCC”) filed a formal complaint<sup>1</sup> against Next-G Communications, Inc. (“Next-G”) pursuant to section 208 of the Communications Act of 1934, as amended (the “Act”).<sup>2</sup> On September 10, 2008, Next-G requested an extension of time to file a response because “the parties to this action are engaged in substantive discussions and negotiations for the resolution and settlement of the APCC complaint.”<sup>3</sup> Commission staff granted Next-G’s request on September 19, 2008,<sup>4</sup> and a subsequent request on October 28, 2008.<sup>5</sup>

2. On November 20, 2008, counsel for APCC filed a letter withdrawing its formal complaint against Next-G, stating that the “parties have resolved their dispute.”<sup>6</sup> In light of this

<sup>1</sup> Formal Complaint, File No. EB-08-MD-006 (filed Aug. 12, 2008) (“Complaint”).

<sup>2</sup> 47 U.S.C § 208.

<sup>3</sup> See Letter from Ted A. Cox, counsel for Next-G, to Rosemary McEnery and Tracy Bridgham, FCC, File No. EB-08-MD-006 (dated Sept. 10, 2008).

<sup>4</sup> Letter from Tracy Bridgham, FCC, to Albert H. Kramer, counsel for APCC, and Ted A. Cox, counsel for Next-G, File No. EB-08-MD-006 (dated Sept. 19, 2008).

<sup>5</sup> Letter from Tracy Bridgham, FCC, to Albert H. Kramer, counsel for APCC, and Ted A. Cox, counsel for Next-G, File No. EB-08-MD-006 (dated Oct. 28, 2008), granting Uncontested Motion for Extension of Time to File Answer, File No. EB-08-MD-006 (filed Oct. 24, 2008).

<sup>6</sup> Letter from Albert H. Kramer, counsel for APCC, to Marlene H. Dortch, Secretary, FCC, File No. EB-08-MD-006 (dated Nov. 20, 2008).

settlement, 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.

3. Accordingly, it is hereby 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, and 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 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that APCC's Complaint against Next-G in the above-captioned proceeding IS DISMISSED WITH PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

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