

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

)	
Cass County Telephone Company, L.P.,)	
)	
Complainant,)	
)	
v.)	File No. EB-08-MD-010
)	
National Exchange Carrier Association, Inc.,)	
)	
Defendant.)	
)	

ORDER OF DISMISSAL

Adopted: May 18, 2009

Released: May 18, 2009

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

1. On November 7, 2008, the above-captioned complainant (“CassTel”) filed a formal complaint¹ against the above-captioned defendant (“NECA”) pursuant to section 208 of the Communications Act of 1934, as amended (“Act”).² In its Complaint, CassTel alleged that NECA violated sections 201 and 202 of the Act³ and sections 69.106 and 69.502 of the Commission’s rules⁴ by allegedly improperly calculating and failing to disburse pooled access settlement payments claimed to be due to CassTel.

2. On May 15, 2009, CassTel moved to dismiss its claims with prejudice, and stated that NECA consented to the dismissal.⁵

3. We are satisfied that dismissing the Complaint with prejudice will serve the public interest by eliminating the need for further litigation and the expenditure of further time and resources of the parties and this Commission.

¹ Formal Complaint, File No. EB-08-MD-010 (filed Nov. 7, 2008). CassTel filed an Amended Formal Complaint on January 7, 2009. Amended Formal Complaint, File No. EB-08-MD-010 (filed Jan. 7, 2009). The Formal Complaint and Amended Formal Complaint are hereinafter referred to as “Complaint.”

² 47 U.S.C. § 208.

³ 47 U.S.C. § 201 and 202.

⁴ 47 C.F.R. §§ 69.106 and 69.502.

⁵ Motion to Dismiss Formal Complaint, File No. EB-08-MD-010 (filed May 15, 2009) (“Motion to Dismiss”).

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 CassTel's Motion to Dismiss IS GRANTED, that the Complaint IS DISMISSED WITH PREJUDICE, and that this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Alex Starr
Chief, Market Disputes Resolution Division
Enforcement Bureau