

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

Fiber Technologies Networks, L.L.C.,)	
)	
Complainant,)	
)	
v.)	File No. EB-09-MD-004
)	
Verizon Maryland Inc. and)	
Potomac Electric Power Co.,)	
)	
Respondents.)	

ORDER OF DISMISSAL

Adopted: June 11, 2009

Released: June 11, 2009

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

1. On March 13, 2009, complainant Fiber Technologies Networks, L.L.C. (“Fibertech”) filed with this Commission a pole attachment complaint¹ against Verizon Maryland Inc. (“Verizon”) and Potomac Electric Power Company (“Pepco”) pursuant to section 224 of the Communications Act of 1934, as amended (“Act”),² and section 1.1401 *et seq.* of the Commission’s rules.³ Fibertech immediately began settlement discussions with Pepco and Verizon, and the proceeding was held in abeyance at the parties’ request.⁴ Neither Verizon nor Pepco has filed a response to the Complaint.

2. On May 29, 2009, Fibertech, Pepco and Verizon filed a joint motion stating that the parties had settled the disputes giving rise to the Complaint and requesting that the Complaint be dismissed with prejudice.⁵

3. We are satisfied that dismissing the Complaint with prejudice 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

¹ Pole Attachment Access Complaint, File No. EB-09-MD-004 (filed March 13, 2009) (“Complaint”).

² 47 U.S.C. § 224.

³ 47 C.F.R. §§ 1.1401 -1.1418.

⁴ See Letters from Lia Royle to Maria T. Browne, counsel to Fibertech, Jack E. Strausman, counsel to Pepco, and James Pachulski, counsel to Verizon, File No. EB-09-MD-004 (dated March 24, 2009 and April 14, 2009).

⁵ Joint Motion to Dismiss Formal Complaint with Prejudice, File No. EB-09-MD-004 (filed May 29, 2009).

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 DISMISSED WITH PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

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