

In the Matter of

Petitioners,

V.

ONCOR ELECTRIC DELIVERY CO., LLC,

Respondent.

File No. EB-10-MD-001

Adopted: February 19, 2010

Released: February 19, 2010

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

1. On January 6, 2010, petitioners RB3, LLC and Arklaoktex, LLC, d/b/a Reach Broadband (“Reach”) filed a Petition for Temporary Stay pursuant to section 1.1403(d) of our rules¹ seeking to stay the removal of Reach’s attachments to poles owned by respondent Oncor Electric Delivery Company (“Oncor”).² Petitioners stated that they filed the Petition in response to a Notice of Need to Remove Attachments that Reach received from Oncor on December 22, 2009.³

2. On February 12, 2010, petitioners filed a motion to withdraw their Petition for Temporary Stay, which Oncor supports.⁴ Petitioners stated in the Motion that following the filing of the Petition for Temporary Stay, Reach and Oncor successfully resolved the issues underlying the Petition with the assistance of Commission staff. Petitioners further stated that in view of the parties' resolution of their dispute, there is no need for the Commission to act on the Petition for Temporary Stay, and that Oncor supports the Motion to Withdraw.⁵

¹ 47 C.F.R. § 1.1403(d).

² Verified Petition for Temporary Stay, File No. EB-10-MD-001 (filed Jan. 6, 2010) (“Petition for Temporary Stay” or “Petition”).

³ See Petition at 2, ¶ 7 and Exhibit A.

⁴ Motion to Withdraw Petition for Temporary Stay, File No. EB-10-MD-001 (filed Feb. 12, 2010) (“Motion to Withdraw” or “Motion”) at 2, ¶ 5.

⁵ Motion to Withdraw at 1, ¶.

3. We are satisfied that granting the Motion to Withdraw 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 224 of the Act, as amended, 47 U.S.C. §§ 154(i), 154(j), 224, and sections 1.1401-1.1418 of the Commission's rules, 47 C.F.R. §§ 1.1401-1.1418, 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 the Motion to Withdraw Petition for Temporary Stay IS GRANTED.

5. IT IS FURTHER ORDERED, pursuant to sections 4(i), 4(j), and 224 of the Act, as amended, 47 U.S.C. §§ 154(i), 154(j), 224, and sections 1.1401-1.1418 of the Commission's rules, 47 C.F.R. §§ 1.1401-1.1418, 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 the Petition for Temporary Stay IS WITHDRAWN.

FEDERAL COMMUNICATIONS COMMISSION

Lisa J. Saks
Assistant Chief, Market Disputes Resolution Division
Enforcement Bureau