

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

In the Matter of)	
)	
Cequel III Communications II, LLC)	
d/b/a Suddenlink Communications,)	
)	
Complainant,)	File No. EB-11-MD-007
)	
v.)	
)	
Union Electric Company d/b/a Ameren Missouri,)	
)	
Defendant.)	

ORDER OF DISMISSAL

Adopted: September 12, 2011

Released: September 13, 2011

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

1. On August 16, 2011, the complainant, Cequel III Communications II, LLC d/b/a Suddenlink Communications (“Suddenlink”), and the respondent, Union Electric Company d/b/a Ameren Missouri (“Ameren”) filed a joint motion¹ seeking to dismiss with prejudice the Complaint that Suddenlink filed against Ameren in this action.² The Complaint alleges, *inter alia*, that Ameren violated section 224 of the Communications Act³ by unjustly and unreasonably calculating and assessing the telecommunications pole attachment rate against Suddenlink.⁴ In the Motion, the parties stipulate that “the parties [have] reached a settlement of their disputes and . . . finalized a confidential settlement agreement.”⁵ Seeking dismissal with prejudice as to all claims and defenses asserted in this proceeding, the parties request that the Commission terminate this proceeding.

2. We are satisfied that dismissing the Complaint 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 by the parties and this Commission.

3. 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

¹ Joint Motion For Dismissal With Prejudice, File No. EB-11-MD-007 (filed August 16, 2011) (“Motion”).

² Complaint, File No. EB-11-MD-007 (filed June 15, 2011) (“Complaint”).

³ 47 U.S.C. § 224.

⁴ See, e.g., Complaint at 8-11.

⁵ Motion at 2.

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 the Complaint IS DISMISSED with prejudice.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr
Chief, Market Disputes Resolution Division