

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

NewPath Networks, LLC,)	
)	
Complainant,)	
)	
v.)	File No. EB-11-MD-004
)	
Potomac Electric Power Company,)	
)	
Respondent.)	

ORDER

Adopted: October 17, 2011

Released: October 18, 2011

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

1. On March 16, 2011, NewPath Networks, LLC (“NewPath”) filed a pole attachment complaint against Potomac Electric Power Company (“Pepco”) pursuant to section 224 of the Communications Act of 1934, as amended (“Act”).¹ The complaint alleged that Pepco “denied NewPath access to Pepco’s poles, ducts, conduits, and rights-of-way for the placement of NewPath’s [DAS] attachments.”²

2. On October 14, 2011, NewPath filed a Motion to Withdraw the Complaint with Prejudice.³

3. We are satisfied that dismissing the captioned proceeding 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.

4. 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 delegated in section 0.111 and 0.311 of the Commission’s rules, 47 C.F.R. §§ 0.111 and 0.311, that the Motion IS GRANTED, that the captioned proceeding IS DISMISSED WITH PREJUDICE, and that the captioned proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

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

¹ 47 U.S.C. § 224.

² Complaint, File No. EB-11-MD-004 (filed Mar. 16, 2011) (“Complaint”).

³ NewPath Network’s LLC Motion to Withdraw the Complaint with Prejudice, File No. EB-11-MD-004 (filed Oct. 14, 2011) (“Motion”).