

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

In the Matter of)
)
LSSi Data Corp. and VoltDelta Resources, LLC,)
)
Complainants,)
)
v.) EB Docket No. 14-211
) File No. EB-13-MD-001
)
Comcast Phone, LLC,)
)
Defendant.)

ORDER OF DISMISSAL

Adopted: October 19, 2015

Released: October 19, 2015

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

1. On July 1, 2013, LSSi Data Corp. and its parent VoltDelta Resources, LLC filed a formal complaint against Comcast Phone, LLC (collectively, the parties) under Section 208(a) of the Communications Act of 1934, as amended (Act). The Complaint effectuated a primary jurisdiction referral from the United States District Court for the Northern District of Georgia (Court) in connection with litigation pending before the Court.

2. On October 15, 2015, the parties filed a joint motion seeking dismissal of the Complaint with prejudice on the ground that the parties have reached a settlement resolving the issues raised in the Complaint, as well as those asserted before the Court in the litigation from which this primary jurisdiction referral arose. The Motion states that dismissal of the Complaint "will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further expenditure of time and resources by the parties and the Commission." The Motion therefore requests that we issue an order "dismissing the [Complaint] with prejudice and terminating this proceeding."

1 See Amended Formal Complaint and Petition for Declaratory Ruling, File No. EB-13-MD-001 (filed July 1, 2013) (Complaint). The Complaint alleges that Comcast unlawfully denied Complainants access to Comcast's directory assistance listing data and subscriber list information under the Act.

2 See 47 U.S.C. § 208(a).

3 See Complaint, Ex. 6 (LSSi Data Corp. v. Comcast Phone, LLC, Case No. 1:11-CV-1246-CAP, Order (N.D. Ga. March 4, 2013) (Referral Order)).

4 Joint Motion for Voluntary Dismissal with Prejudice, Proceeding No. 14-211, File No. EB-13-MD-001 (filed Oct. 15, 2015) (Motion). The parties state that they have agreed to "the voluntary dismissal with prejudice of all claims and counterclaims asserted in the federal court litigation" and further state that they "will be submitting a joint stipulation of dismissal to the [Court] in conjunction with this Motion." Id. at 1.

5 Id. (quoting Lake County v. Citizens Telecomms. Co. of Minn., Order of Dismissal, 29 FCC Rcd 6038, para. 3 (Enf. Bur. June 11, 2014)).

6 Id. at 1.

3. We are satisfied that granting the Motion will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further expenditure of time and resources by the parties and the Commission.

4. Accordingly, IT IS ORDERED, pursuant to Sections 4(i), 4(j), and 208 of the Act, 47 U.S.C. §§ 154(i), 154(j), and 208, and the authority delegated in Sections 0.111, 0.311, and 1.720–1.736 of the Commission’s rules, 47 C.F.R. §§ 0.111, 0.311, and 1.720–1.736, that the MOTION is GRANTED.

5. IT IS FURTHER ORDERED, pursuant to Sections 4(i), 4(j), and 208 of the Act, 47 U.S.C. §§ 154(i), 154(j), and 208, and the authority delegated in Sections 0.111, 0.311, and 1.720–1.736 of the Commission’s rules, 47 C.F.R. §§ 0.111, 0.311, and 1.720–1.736, that the Complaint is DISMISSED WITH PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Christopher L. Killion
Chief, Market Disputes Resolution Division
Enforcement Bureau