

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

Frontier Florida LLC,)	
)	
Complainant,)	
)	
v.)	Proceeding No. 15-73
)	File No. EB-15-MD-002
Florida Power and Light Company,)	
)	
Respondent.)	
)	

ORDER OF DISMISSAL

Adopted: February 16, 2017

Released: February 16, 2017

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

1. On March 13, 2015, Verizon Florida LLC (Verizon) filed a complaint against Florida Power and Light Company (FPL) pursuant to section 224 of the Communications Act of 1934, as amended,¹ and section 1.1401 *et seq.* of the Commission’s rules² (Complaint).³

2. On April 1, 2016, Frontier Communications Corporation acquired Verizon’s local exchange and related business assets in the state of Florida.⁴ By letter-ruling dated May 9, 2016, Frontier Florida LLC (Frontier) was designated the real party in interest as Complainant in the captioned proceeding, replacing Verizon.⁵

3. On February 9, 2017, Frontier and FPL filed a joint motion requesting that the Complaint

¹ 47 U.S.C. § 224.

² 47 C.F.R. §§ 1.1401 -1.1424.

³ Pole Attachment Complaint, Proceeding No. 15-73, File No. EB-15-MD-002 (filed Mar. 13, 2015).

⁴ See Letter from David H. Solomon, counsel for Frontier, to Marlene H. Dortch, FCC, Docket No. 15-73, File No. EB-15-MD-002 (filed April 6, 2016); *Applications filed by Frontier Communications Corporation and Verizon Communications Inc. for the Partial Assignment or Transfer of Control of Certain Assets in California, Florida, and Texas*, 30 FCC Rcd 9812 (WCB, IB, WTB 2015).

⁵ Letter from Christopher Killion, Chief, Market Disputes Resolution Division, Enforcement Bureau, to David Solomon, Philip Roselli, counsel to Frontier, and Charles Zdebski and Robert Gastner, counsel to FPL (dated May 9, 2016).

be dismissed with prejudice because they had settled all claims asserted in the Complaint (Joint Motion).⁶

4. We are satisfied that granting the Joint Motion will serve the public interest by promoting the private resolution of disputes, eliminating the need for further litigation, and conserving the resources of the parties and this Commission.

5. 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 Commission rules 0.111, 0.311, and 1.1401-1.1418, 47 C.F.R. §§ 0.111, 0.311, and 1.1401-1.1418, that the Joint Motion is **GRANTED**, and that this proceeding is **DISMISSED WITH PREJUDICE**.

FEDERAL COMMUNICATIONS COMMISSION

Rosemary H. McEnery
Acting Chief, Market Disputes Resolution Division
Enforcement Bureau

⁶ Joint Motion to Dismiss Formal Complaint, Proceeding No. 15-73, File No. EB-15-MD-002 (filed Feb. 9, 2017). Verizon filed a complaint against FPL on January 31, 2014. Pole Attachment Complaint, Proceeding No. 14-216, File No. EB-14-MD-003 (2014 Complaint). The 2014 Complaint was dismissed without prejudice. *See Verizon Florida LLC v. Florida Power and Light Co.*, Memorandum Opinion and Order, 30 FCC Rcd 1140 (Chief, Enf. Bur. 2015). Verizon then filed the Complaint at issue here against FPL. As noted above, Frontier was subsequently designated the real party in interest as Complainant in the captioned proceeding, replacing Verizon. *See* para. 2, *supra*. Accordingly, we now also dismiss the 2014 Complaint with prejudice.