

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

In the Matter of)	
)	
AT&T Services Inc. and AT&T Corp.,)	
)	
Complainants,)	
)	
v.)	Proceeding Number 14-222
)	Bureau ID Number EB-14-MD-013
Great Lakes Comnet, Inc. and)	
Westphalia Telephone Company,)	
)	
Defendants.)	

ORDER OF DISMISSAL

Adopted: May 4, 2017

Released: May 4, 2017

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

1. On October 22, 2014, AT&T Services, Inc., and AT&T Corp. (collectively, AT&T) filed with this Commission a formal complaint against Great Lakes Comnet, Inc. (GLC) and Westphalia Telephone Company (WTC) (collectively, Defendants) under Section 208 of the Communications Act of 1934, as amended (Act), 47 U.S.C. § 208.¹

2. On March 18, 2015, the Commission issued a Memorandum Opinion and Order that granted count I of AT&T’s Complaint.² Defendants filed a petition for review of the *Order* with the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit). While the petition for review was pending, GLC filed a petition for bankruptcy with the Bankruptcy Court for the Western District of Michigan.³ The bankruptcy court lifted the automatic stay provisions of the Bankruptcy Code in order to allow the petition for review to be heard.⁴ The D.C. Circuit subsequently denied the petition for review in part and granted the petition for review in part, remanding one issue to the Commission for further consideration.⁵

¹ Formal Complaint, Proceeding Number 12-222, Bureau ID Number EB-14-MD-013 (filed Oct. 22, 2014) (Complaint).

² *AT&T Services, Inc. and AT&T Corp. v. Great Lakes Comnet, Inc., et al.*, Memorandum Opinion and Order, 30 FCC Rcd 2585 (2015) (*Order*).

³ *See In re Great Lakes Comnet, Inc., et al.*, Ch. 11, Case No. 16-00290 (Bankr. W.D. Mich.).

⁴ *In re Great Lakes Comnet, Inc., et al.*, Ch. 11, Case No. 16-00290, Order Granting Stipulation (Bankr. W.D. Mich. Mar. 10, 2016).

⁵ *Great Lakes Comnet, Inc. et al. v. FCC*, 823 F.3d 998 (D.C. Cir. 2016).

3. On May 2, 2017, the parties advised the Commission that they “reached a voluntary settlement of their disputes and that settlement has been approved by the Bankruptcy Court in which AT&T, WTC and GLC executed mutual releases.”⁶ The parties agree that the proceeding before the Commission should be dismissed with prejudice.⁷

4. We are satisfied that granting the 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 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), and 208, and Commission rules 0.111, 0.311, and 1.720-1.736, 47 C.F.R. §§ 0.111, 0.311, and 1.720-1.736, that the 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 of Complainants and Defendants to Dismiss the Proceeding with Prejudice, Proceeding No. 14-222, Bureau ID No. EB-14-MD-013 (filed May 2, 2017) at 2 (Motion).

⁷ *Id.*