

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

In the Matter of)	
)	
AMERICAN TELEPHONE & TELEGRAPH)	
COMPANY)	
)	
Complainant,)	
)	File No. E-93-087
v.)	
)	
GLOBALNET COMMUNICATIONS, INC.)	
)	
Defendant.)	

ORDER

Adopted: October 25, 1996

Released: October 30, 1996

By the Chief, Formal Complaints & Investigations Branch, Enforcement Division, Common Carrier Bureau:

1. AT&T Corp. (AT&T), formerly American Telephone & Telegraph Company, filed the above-captioned formal complaint against Globalnet Communications, Inc. (Globalnet), alleging, inter alia, that Globalnet had violated Sections 201(b) and 214 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 201(b), 214, in connection with Globalnet's unanswered call signaling international resale service. Globalnet denied the allegations and moved to dismiss the complaint, or in the alternative, cross-complained that if it had violated Section 201(b), then AT&T had also violated that section by offering a similar service.

2. On March 29, 1996, AT&T filed a motion requesting dismissal with prejudice of both its complaint and Globalnet's cross-complaint. In support of its motion, AT&T states that the Section 201(b) issue has been mooted by the Commission's Order on Reconsideration in *Via USA*, 10 FCC Rcd 9540 (1995). AT&T further states that although the parties have failed to settle the remaining Section 214 issue, AT&T does not wish to expend further time and resources on prosecuting its complaint. AT&T also states that because Globalnet's cross complaint, which

alleged a violation of Section 201(b), was conditioned on AT&T's success in prosecuting its complaint, the cross complaint should also be dismissed. Finally, AT&T requests that the dismissal be without prejudice to AT&T's ability to raise in any other proceeding the issue of whether a party has obtained appropriate Section 214 authority. By letter dated April 1, 1996, Globalnet's counsel states that he is unable to respond to AT&T's motion because he has not received any communications from his client for approximately two years and has been unable to contact it.

3. We notified Globalnet of the foregoing by certified letter, dated May 7, 1996, with copies of AT&T's motion and Globalnet counsel's letter, to its last known address. We stated in that letter that we would consider AT&T's motion to be unopposed by Globalnet unless we received an opposition to AT&T's motion or other relevant pleading within 30 days of the date of our letter. We have since received the return receipt indicating acceptance of delivery on May 13, 1996, with a partially illegible signature, "N. F. Lenore," in the signature box for "agent." More than 30 days have elapsed since the date of delivery, and we have received no response from Globalnet.

4. We are satisfied that granting AT&T's unopposed motion will serve the public interest by eliminating the need for further litigation and the expenditure of further time and resources of the parties and of 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), 208, and the authority delegated in Section 0.291 of the Commission's Rules, 47 C.F.R. § 0.291, that AT&T's motion to dismiss, filed on March 24, 1996, IS GRANTED and that the above-captioned formal complaint filed by AT&T Corp. IS DISMISSED with prejudice.

6. IT IS FURTHER ORDERED that the cross-complaint filed by Globalnet IS DISMISSED with prejudice.

7. IT IS FURTHER ORDERED that the above-captioned proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION



Kurt A. Schroeder
Chief, Formal Complaints and
Investigations Branch
Common Carrier Bureau