

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

In the Matter of	)	
	)	
TELEPORT DENVER, LTD.,	)	
Complainant,	)	File No. E-94-43
v.	)	
	)	
US WEST COMMUNICATIONS,	)	
INC.,	)	
Defendant.	)	

**MEMORANDUM OPINION AND ORDER**

Adopted: November 20, 1996; Released: November 21, 1996

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

1. On February 16, 1994, Teleport Denver, Ltd. (TDL) filed the above-captioned complaint against US West Communications, Inc. (USWC). In its complaint, TDL alleged that, *inter alia*, USWC, in seeking to double-charge TDL for construction of its collocation space and provision of power, had violated Sections 201(a), 201(b), 203(a), 203(b), and 203(c) of the Communications Act, 47 U.S.C. §§ 201(a), 201(b), 203(a), 203(b), 203(c). On November 4, 1996, the parties filed a joint motion to dismiss the complaint with prejudice, stating that they had negotiated a mutually satisfactory settlement.

2. We are satisfied that granting the parties' joint motion to dismiss the complaint with prejudice will serve the public interest by eliminating the need for further litigation and the expenditure of further time and resources by the parties and the Commission.

3. 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 the Joint Motion to Dismiss the above-captioned complaint IS GRANTED.

4. IT IS FURTHER ORDERED that the above-captioned complaint IS DISMISSED WITH PREJUDICE, and this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION



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