

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

In the Matter of	)	
	)	
Texas Networking, Inc.	)	
Petitioner	)	CS Docket No. 00-30
	)	
Application for Review of Action Taken Pursuant	)	
to Delegated Authority	)	

**ORDER**

**Adopted: April 4, 2008**

**Released: April 10, 2008**

By the Commission:

1. We hereby dismiss the Application for Review (“Application”) filed by Texas Networking, Inc. (“Texas.Net”)<sup>1</sup> of the Media Bureau *Order*<sup>2</sup> denying its August 9, 2001 complaint and petition for declaratory ruling regarding AOL Time Warner’s compliance with the Internet access requirements imposed in the Commission’s *Memorandum Opinion and Order* conditionally approving the merger of America Online, Inc. and Time Warner, Inc.<sup>3</sup> Texas.Net expressed its desire to withdraw its Application by letter dated March 14, 2007.<sup>4</sup>

2. In light of Texas.Net’s letter seeking to withdraw its Application, the full Commission need not and does not reach the issue of whether the *Bureau Order* was correct on the merits.

3. Accordingly, IT IS ORDERED, pursuant to Sections 1, 4(i) and 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i) and 309, that the Application for Review of Texas Networking, Inc. IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

<sup>1</sup> The successor-in-interest to Texas.Net is now Data Foundry, Inc.

<sup>2</sup> *In re Texas Networking, Inc. Petition for Declaratory Ruling and Complaint*, Order, 16 FCC Rcd 17898 (2001) (“*Bureau Order*”).

<sup>3</sup> *In re Applications for Consent to the Transfer of Control of Licenses and Section 214 Authorizations by Time Warner, Inc. and America Online, Inc. Transferors, to AOL Time Warner, Inc., Transferee*, 16 FCC Rcd 6547 (2001) (“*Merger Order*”). The *Merger Order* was adopted on January 11, 2001.

<sup>4</sup> See *In re Texas Networking, Inc. Petition for Declaratory Ruling and Complaint*, Withdrawal of Application for Review, CSB Dkt No. 00-30 (Mar. 14, 2007).