

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

APCC Services, Inc.,
Data Net Systems, LLC,
Davel Communications, Inc.,
Jaroth, Inc. dba Pacific Telemanagement
Services, and
Intera Communications Corp.,
Complainants,
v.
Vertex Group d/b/a Premiere Telemedia, Inc.,
Defendant.

File No. EB-02-MD-014

ORDER

Adopted: November 21, 2002

Released: November 22, 2002

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

1. On April 19, 2002, APCC Services, Inc., et al. ("APCC" or "Complainants"), filed with this Commission a formal complaint against Vertex Group d/b/a Premiere Telemedia, Inc. ("Vertex") pursuant to section 208 of the Communications Act of 1934, as amended (the "Act").

1 47 U.S.C. § 208.

2 See 47 C.F.R. §§ 64.1300-64.1320. These rules were promulgated to implement section 276 of the Act, 47 U.S.C. § 276.

3 See APCC Services, Inc., et al., v. Vertex Group, Vertex Group's Answer to Formal Complaint, File No. EB-02-MD-014.

2. During a telephone conference held on approximately September 20, 2002, the parties indicated that they were engaged in ongoing settlement negotiations, and that there was a significant likelihood of settlement. To facilitate these ongoing negotiations, Complainants requested an extension of time by which they had to file their reply, to October 16, 2002. The Complainants formalized this request in a letter dated September 23, 2002, in which they stated that the additional time would enable the parties to exchange and analyze additional call data, which would hopefully allow the parties to settle the dispute.⁴ This request was granted by the Chief of the Market Disputes Resolution Division of the Enforcement Bureau on September 24, 2002. On October 11, 2002, the parties jointly made another similar request for extension of time for the Complainants to file their reply.⁵ The parties repeated that they were continuing to engage in active settlement negotiations, and that the additional time “will foster the parties’ efforts at an expeditious settlement.”⁶ This request was also granted.⁷ A status conference was later scheduled for November 13, 2002.⁸

3. On November 7, 2002, Complainants and Vertex filed a joint motion requesting that we dismiss the formal complaint in this proceeding with prejudice.⁹ We grant Complainant’s motion to dismiss the complaint, with prejudice. We find that dismissal at this stage is appropriate, and will serve the public interest by promoting the private resolution of disputes and eliminating the expenditure of further time and resources of the parties and of the Commission.

4. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), 208 and 276 of

⁴ *APCC Services, Inc., et al., v. Vertex Group*, Letter from Jeffrey H. Tignor, Counsel for Complainants, and Lawrence M. Brenton, Counsel for Defendant, to Warren Firschein, Attorney, Market Disputes Resolution Division, Enforcement Bureau, FCC, File No. EB-02-MD-014 (dated September 23, 2002).

⁵ *APCC Services, Inc., et al., v. Vertex Group*, Letter from Jeffrey H. Tignor, Counsel for Complainants, and Lawrence M. Brenton, Counsel for Defendant, to Warren Firschein, Attorney, Market Disputes Resolution Division, Enforcement Bureau, FCC, File No. EB-02-MD-014 (dated October 11, 2002).

⁶ *Id.*

⁷ *See APCC Services, Inc., et al., v. Vertex Group*, Letter from Warren Firschein, Attorney, Market Disputes Resolution Division, Enforcement Bureau, FCC, to Allan C. Hubbard, Counsel for Complainants, and Lawrence M. Brenton, Counsel for Defendant, File No. EB-02-MD-014 (October 15, 2002).

⁸ *See APCC Services, Inc., et al., v. Vertex Group*, Letter from Warren Firschein, Attorney, Market Disputes Resolution Division, Enforcement Bureau, FCC, to Allan C. Hubbard, Counsel for Complainants, and Lawrence M. Brenton, Counsel for Defendant, File No. EB-02-MD-014 (October 23, 2002).

⁹ *APCC Services, Inc., et al., v. Vertex Group*, Joint Motion to Dismiss Formal Complaint With Prejudice, File No. EB-02-MD-014 (filed November 7, 2002).

the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 208, and 276, sections 1.720-1.736 and 64.1300-64.1320 of the Commission's rules, 47 C.F.R. §§ 1.720-1.736, 64.1300-64.1320, and the authority delegated by sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the above-captioned complaint IS DISMISSED WITH PREJUDICE in its entirety and the proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Radhika V. Karmarkar
Deputy Chief, Market Disputes Resolution Division
Enforcement Bureau