

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

MCI WORLDCOM Network Services, Inc.,)	
)	
Complainant,)	
)	
v.)	File No. EB-02-MDIC-0037
)	
Allegiance Telecom, Inc.,)	
)	
Defendant.)	

ORDER

Adopted: January 7, 2003

Released: January 8, 2003

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

1. On May 31, 2002, pursuant to section 1.716 of the Commission rules,¹ MCI WORLDCOM Network Services, Inc. (“WorldCom”) filed an informal complaint against defendant Allegiance Telecom, Inc. (“Allegiance”) in the above-captioned matter.² On July 15, 2002, Allegiance filed a report pursuant to section 1.717 of the Commission’s rules³ denying the allegations in WorldCom’s Informal Complaint.⁴ Pursuant to section 1.718 of the Commission’s rules,⁵ WorldCom must convert its Informal Complaint into a formal complaint within six months of the date of Allegiance’s report to ensure that the formal complaint relates back to the May 31, 2002 filing date of the Informal Complaint for statute of limitations purposes.

2. Since the filing of the Informal Complaint, with some assistance from Commission staff, WorldCom and Allegiance have engaged in negotiations to resolve the alleged disputed issues.⁶

¹ 47 C.F.R. § 1.716.

² Letter from Kecia Boney-Lewis, Counsel for MCI WorldCom Network Services, Inc., to Alexander P. Starr, Chief, Market Disputes Resolution Division, Enforcement Bureau, FCC (filed June 3, 2002) (“Informal Complaint”).

³ 47 C.F.R. § 1.717.

⁴ Letter from Mary C. Albert, Counsel for Allegiance Telecom, Inc., to Alexander P. Starr, Chief, Market Disputes Resolution Division, Enforcement Bureau, FCC, File No. EB-02-MDIC-0037 (filed July 15, 2002).

⁵ 47 C.F.R. § 1.718.

⁶ Consent Motion of MCI WORLDCOM Network Services, Inc. Requesting Waiver of Section 1.718 of the Commission’s Rules and an Extension of Time In Which to Convert Its Informal Complaint to a Formal Complaint and Toll the Limitations Period, File No. EB-02-MDIC-0037 (filed Dec. 31, 2002) (“Consent Motion”).

Although the parties report that these negotiations have been productive, their discussions have taken longer than anticipated and have been delayed by a number of factors.⁷ Both parties believe that an extension will allow for additional time to continue their good faith negotiations, which may obviate the need to file a formal complaint.⁸ Accordingly, WorldCom requests a waiver of section 1.718 of the Commission's rules and an extension of time until January 29, 2003, to convert its Informal Complaint against Allegiance into a formal complaint, if necessary.⁹ Allegiance has consented to WorldCom's request.¹⁰

3. We are satisfied that granting WorldCom's consent motion will serve the public interest by promoting the private resolution of disputes and by postponing the need for further litigation and expenditure of further time and resources of the parties and of this Commission until such time as may actually be necessary.

4. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.3 and 1.718 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.718, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the Consent Motion of MCI WORLDCOM Network Services, Inc. Requesting Waiver of Section 1.718 of the Commission's Rules and an Extension of Time In Which to Convert Its Informal Complaint to a Formal Complaint and Toll the Limitations Period IS GRANTED.

5. IT IS FURTHER ORDERED pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.3 and 1.718 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.718, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that, unless otherwise extended by order, the deadlines that would otherwise apply under section 1.718 of our rules, 47 C.F.R. § 1.718, are hereby waived, and the date on which MCI WORLDCOM Network Services, Inc. must convert its Informal Complaint against Allegiance Telecom, Inc. into a formal complaint pursuant to section 1.718 of our rules, 47 C.F.R. § 1.718, is extended to **January 29, 2003**.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr
Chief, Market Disputes Resolution Division
Enforcement Bureau

⁷ Consent Motion at 2.

⁸ *Id.* at 3.

⁹ *Id.* at 2-3.

¹⁰ *Id.*