

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.
Orion Telecommunications Corp.
Defendant.
File No. EB-03-MDIC-0002

ORDER

Adopted: November 7, 2003

Released: November 7, 2003

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

1. On December 20, 2002, APCC Services, Inc., et al. ("APCC" or "Complainants") filed an informal complaint alleging that Orion Telecommunications Corp. ("Orion") is responsible for paying dial around compensation for certain types of completed calls carried by its network that originated from APCC's payphones. Pursuant to section 1.718 of the Commission's rules, the Complainants are required to convert their informal complaint into a formal complaint within six months of the date that the Defendant replies to the informal complaint, or their informal complaint will be deemed to be abandoned. In this case, following a series of extensions granted by Commission staff, the Complainants were required to convert the informal complaint into a formal complaint by November 7, 2003.

1 47 C.F.R. § 1.718.

2 See Letter from Gregory D, Kwan, Attorney for Complainants, and Ronald T. Bevans, Jr., Attorney for Orion, to Warren Firschein, Attorney, Market Disputes Resolution Division, Enforcement Bureau, FCC, File No. EB-03-MDIC-0002 (November 6, 2003) ("Joint Waiver Request"); APCC Services, Inc., et al., v. Orion Telecommunications Corp., Order, File No. EB-02-MDIC-0002 (October 6, 2003); APCC Services, Inc., et al., v. Orion Telecommunications Corp., Order, File No. EB-02-MDIC-002 (August 27, 2003). Orion replied to the Complaint on March 3, 2003. Joint Waiver Request, n.2.

2. Since the filing of the informal complaint the parties have engaged in discussions in an attempt to resolve the disputes about dial around compensation issues.³ On November 6, 2003, the parties filed jointly a Request for Extension of Time to File Complainants' Formal Complaint in this matter.⁴ The parties seek a waiver of section 1.718 of the Commission's rules, and, in particular, request an extension of the deadline for filing a formal complaint from November 7, 2003, to November 21, 2003.⁵ The Joint Waiver Request explains that the parties are attempting to resolve this dispute without further litigation, and that an extension is necessary to continue negotiations and work toward settling this matter.⁶

3. We are satisfied that granting the parties' Joint Waiver Request 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. We find that this postponement provides the parties with sufficient time to devote their resources to reaching a settlement within the time estimated by the parties, yet establishes a reasonable deadline in the event that such an agreement proves unobtainable.

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 Request for Extension of Time to File Complainants' Formal Complaint IS GRANTED.

5. IT IS FURTHER ORDERED 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 that APCC Services, Inc., et al. must convert their informal complaint against Orion to a formal complaint pursuant to section 1.718 of our rules, 47 C.F.R. § 1.718, is extended to November 21, 2003.

FEDERAL COMMUNICATIONS COMMISSION

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

³ Joint Waiver Request at 2.

⁴ *Id.* at 1.

⁵ *Id.*

⁶ *Id.* at 2.