

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.
Telstar International, Inc.,
Defendant.

File No. EB-03-MDIC-0022

ORDER

Adopted: March 11, 2004

Released: March 12, 2004

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

1. On June 30, 2003, APCC Services, Inc., et al. ("APCC" or "Complainants") filed an informal complaint alleging that Telstar International, Inc. ("Telstar") is responsible for paying dial around compensation for certain types of completed calls carried by its network that originated from APCC's payphones.1 Telstar replied to the Complaint on August 16, 2003.2 Therefore, pursuant to section 1.1718 of the Commission's rules, the

1 Letter from Allan C. Hubbard, Attorney for Complainants, to Marlene H. Dortch, Secretary, Federal Communications Commission, June 30, 2003).

2 Letter from Menachem Ash, General Counsel, Telstar, to Sandra Gray-Fields, Staff Assistant, Market Disputes Resolution Division, Enforcement Bureau, FCC, File No. EB-03-MDIC-0022 (August 16, 2003).

Complainants were required to convert their informal complaint into a formal complaint by February 16, 2004, or their informal complaint would be deemed to have been abandoned.³

2. Since Telstar's response, the parties have engaged in discussions in an attempt to resolve the complaint.⁴ Consequently, on February 5, 2004, APCC sought a waiver of section 1.718 of the Commission's rules, and, in particular, requested an extension of the deadline for filing a formal complaint from February 16, 2004, to March 16, 2004.⁵ Because Telstar did not object to the extension, and because we determined that the extension would serve the public interest by promoting the private resolution of disputes, we granted the extension.⁶

3. On March 2, 2004, the parties filed a joint request for further extension of time from March 16, 2004, to April 16, 2004.⁷ On March 8, 2004, the parties participated in a conference call with Commission staff to discuss possible mediation of the dispute by the Market Disputes Resolution Division. During the call the parties agreed to exchange documents and to participate in further discussions with staff. In view of the parties' good faith and progress toward settlement of outstanding issues, we are satisfied that granting the Joint Waiver Request will serve the public interest, and will postpone 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 Request for Extension of Time to File Complainants' Formal Complaint IS GRANTED.

5. IT IS FURTHER ORDERED that 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 the

³ 47 C.F.R. § 1.718.

⁴ See Letter from Allan C. Hubbard, Attorney for Complainants, to Jonathan Reel, Attorney, Market Disputes Resolution Division, Enforcement Bureau, FCC, File No. EB-03-MDIC-0022 (February 5, 2004).

⁵ *Id.* at 1.

⁶ Letter from Menachem Ash, Attorney for Defendants, to Jonathan Reel, Attorney, Market Disputes Resolution Division, Enforcement Bureau, FCC, File No. EB-03-MDIC-0022 (February 9, 2004); *APCC et al. v. Telstar*, Order, DA No. 04-343, File No. EB-03-MDIC-0022 (rel. February 11, 2004).

⁷ Letter from Allan C. Hubbard, Attorney for Complainants, to Jonathan Reel, Attorney, Market Disputes Resolution Division, Enforcement Bureau, FCC, File No. EB-03-MDIC-0022 (March 2, 2004) ("Joint Waiver Request").

Complainants must convert their informal complaint against Telstar to a formal complaint

pursuant to section 1.718 of our rules, 47 C.F.R. § 1.718, is extended to April 16, 2004, unless otherwise extended by further order.

FEDERAL COMMUNICATIONS COMMISSION

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