

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

FEDERAL COMMUNICATIONS COMMISSION

In the Matter of

UNITED AIR LINES, INC.,
Complainant,

v.

File No. E-87-55

AMERICAN TELEPHONE
AND TELEGRAPH COMPANY,
Defendant.

Gregory J. Vogt
Chief, Enforcement Division
Common Carrier Bureau

ORDER

Adopted: January 4, 1989; Released January 18, 1989

By the Chief, Enforcement Division, Common Carrier Bureau:

1. We have before us a joint motion filed on November 28, 1988, by United Air Lines, Inc. (United) and American Telephone and Telegraph Company (AT&T), requesting that we dismiss with prejudice the above-captioned proceeding and authorize the parties' agreement to settle all issues raised in the matter. For the reasons set forth below, the joint motion is granted.

2. This proceeding was initiated by a formal complaint filed by United against AT&T on April 23, 1987, alleging that AT&T's rates for 56 kilobits per second (kbps) Data Digital Service (DDS) were unjust and unreasonable within the meaning of Section 201(b) of the Communications Act, 47 U.S.C. § 201(b). AT&T denied the allegations and moved to dismiss the complaint. On April 13, 1988, the Common Carrier Bureau (Bureau) released an order in the proceeding in which it granted AT&T's motion to dismiss in part and denied it in part. *Aetna Life Insurance Company et al. v. AT&T*, DA-88-462 (released April 13, 1988). Subsequently, the parties entered into settlement negotiations with the cooperation of the Enforcement Division. As a result of these negotiations, the parties reached a settlement that resolves the matters in controversy.

3. On the basis of the statements contained in the parties' joint motion, we conclude that there are no longer issues in controversy and the proceeding should be terminated.

4. Accordingly, IT IS ORDERED, pursuant to authority delegated in Section 0.291 of the Commission's Rules, 47 C.F.R. § 0.291, that the Joint Motion to Authorize Settlement and Dismiss Complaint filed by United Air Lines, Inc. and American Telephone and Telegraph Company IS GRANTED.

5. IT IS FURTHER ORDERED that the above-captioned complaint IS DISMISSED WITH PREJUDICE.