

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

In the Matter of

SOUTHWESTERN BELL MOBILE
SYSTEMS, INC.,
Complainant,

v. File No. E-87-149

WEST TEXAS CELLULAR
TELEPHONE COMPANY,
Defendant.

ORDER

Adopted: January 5, 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 Southwestern Bell Mobile Systems, Inc. (SWB) and Amarillo CellTelCo (Amarillo)¹ requesting that we dismiss with prejudice the above-captioned proceeding and authorize the parties' agreement which settled the matters raised in the complaint. For the reasons set forth below, the joint motion is granted.

2. This proceeding was initiated on August 18, 1987, when SWB filed a formal complaint and emergency petition for special relief alleging that Amarillo refused to allow it an opportunity to resell Amarillo's cellular service until SWB's system was operational in violation of a condition of Amarillo's service authorization. Additionally, SWB alleged that Amarillo was operating its system in excess of its authorized power level, which was interfering with SWB's system when it subsequently became operational. Amarillo filed a cross complaint alleging that SWB has refused to enter into a reasonable roamer agreement which would allow for mutual automatic roaming. 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 all matters in controversy.

3. SWB and Amarillo represent that their agreement resolves all claims alleged in the complaint, petition for special relief, and cross complaint in a manner acceptable to both parties. The parties state that grant of their joint motion will terminate the proceeding in a manner satisfactory to both and conserve the time and resources of the parties and the Commission. On the basis of the statements contained in the parties' 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 47 C.F.R. § 0.291, that the Joint Motion to Dismiss filed by Southwestern Bell Mobile Systems and Amarillo CellTelCo IS GRANTED.

5. IT IS FURTHER ORDERED that the above-captioned complaint and the included petition for emergency relief and cross complaint ARE DISMISSED WITH PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Gregory J. Vogt
Chief, Enforcement Division
Common Carrier Bureau

FOOTNOTE

¹ Amarillo CellTelCo is the proper name of the licensee named as defendant in this proceeding.