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November 21, 2018

Ms. Rosemary McEnery
Chief, Market Disputes Resolution Division
Enforcement Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: *Sprint Communications Company L.P. v. North County Communications Corp.*,
EB Docket No. 14-223, File No. EB-14-MD-014

Dear Ms. McEnery:

North County Communications Corporations ("NCC"), by and through its undersigned counsel, hereby submits its objection to Sprint's November 13, 2018 motion to dismiss with prejudice Sprint's complaint in the above-referenced proceeding.

On January 28, 2013, the United States District Court for the Southern District of California dismissed *without prejudice* NCC's equitable claims against Sprint. In dismissing the claims without prejudice, the district court made clear the fact that NCC could renew the claims following the FCC's determinations related to the district court's referral order:

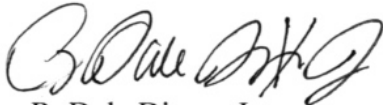
[I]n the interest of judicial economy and consistency, NCC's equitable claims against Sprint are hereby DISMISSED WITHOUT PREJUDICE. The Court finds that NCC's equitable claims against Sprint are virtually identical (a finding NCC does not dispute), and the Court accordingly holds that it is not in the position to determine the amount to which NCC is allegedly entitled as compensation for its services. *See N. Valley Communications, LLC*, 2010 WL 936723 at *11. NCC may renew these claims, if appropriate, following a determination by the FCC as to the reasonableness of NCC's rates. [*North County Communications Corp. v. Sprint Communications Company L.P.*, Case No. 3:09-cv-02685-CAB Doc. 165 at 8.]

Subsequently, the district court referred certain questions regarding NCC's equitable claims to the Commission. [Doc. 195, May 6, 2013.] Sprint effectuated that referral by filing its complaint with the Commission.

Despite the district court's final decision in the underlying case regarding NCC's contract-related claims, the district court's decision did not address or resolve the matters that were referred to the Commission. As noted above, those matters concern NCC's equitable claims against Sprint, which NCC intends to renew following the Commission's determination.

Thus, NCC respectfully requests that the Commission deny Sprint's motion to dismiss and proceed with answering the referral questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. Dale Dixon, Jr.", written in a cursive style.

R. Dale Dixon, Jr.