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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	CC DOCKET NO. 95-95
	)	
American Cablesystems of Florida, Ltd.,	)	
d/b/a Continental Cablevision	)	
of Broward County and Continental	)	
Cablevision of Jacksonville, Inc.,	)	
	)	
Complainants	)	PA 91-0012
	)	
v.	)	
	)	
Florida Power & Light Company	)	DOCKET FILE COPY ORIGINAL
	)	
Respondent	)	
	)	

To: The Common Carrier Bureau

**JOINT MOTION**

Pursuant to the Settlement Agreement filed by the parties in this case on September 18, 1995, and approved by the Administrative Law Judge on September 26, 1995, complainants American Cablesystems of Florida, Ltd., d/b/a Continental Cablevision of Broward County and Continental Cablevision of Jacksonville, Inc., and respondent Florida Power & Light Company, jointly move to vacate the Hearing Designation Order, DA 95-1364 entered in this case on June 15, 1995 by the Common Carrier Bureau, acting under delegated authority, and for their motion state as follows:

1. On September 18, 1995 the parties entered into a settlement agreement to

*OSG*

compromise all issues in the above-captioned case.

2. The parties further agreed to file a joint motion to vacate the Hearing Designation Order after an order approving the settlement.

3. On September 26, 1995, the presiding ALJ assigned to this matter released an order approving the settlement agreement and dismissing the pending complaints with prejudice.

4. It has become evident that the Commission prefers not to vacate HDOs under these circumstances.

5. The parties hereby agree that an Order terminating the case as moot due to settlement will satisfy the requirement in the Settlement Agreement for vacature.

6. The Commission has granted similar motions.<sup>1</sup> The instant motion is in the public interest insofar as the agreement ends protracted and costly litigation, and is unopposed by any party.

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<sup>1</sup> *GTE Telenet Communications Corp. v. AT&T*, No. E-81-32 FCC LEXIS 3062 (July 8, 1986) at ¶ 4, *part. recon. denied*, 1 FCC Rcd 367 (1986) (vacating memorandum opinion and order in formal complaint proceeding to effect settlement agreement reached after good faith negotiations by adversaries).

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**CONCLUSION**

For the foregoing reasons, the undersigned respectfully requests that the Bureau issue an order terminating the case as moot due to settlement.

American Cablesystems of Florida, Ltd., d/b/a  
Continental Cablevision of Broward County  
Continental Cablevision of Jacksonville, Inc.

By:

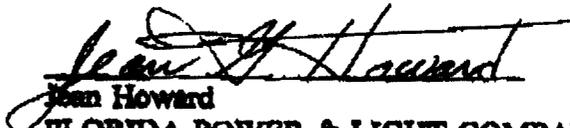


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Florida Power & Light Company

By:



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Its Attorney

December \_\_, 1995

**CERTIFICATE OF SERVICE**

I, Julie P. Gordy, a legal secretary with the firm of Cole, Raywid & Braverman, L.L.P., do hereby certify that a copy of the foregoing was sent via first-class, postage pre-paid, United States mail, this 6th day of December, 1995 to the following:

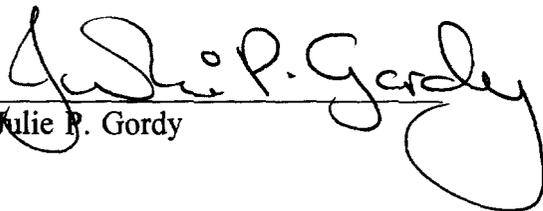
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