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Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Room CY -B402
Washington, D.C. 20554

RE: CS Docket No. 00-30, *In the Matter of Texas Networking, Inc. Petition for Declaratory Ruling and Complaint Regarding Violations of Merger Conditions and for Enforcement of Merger Conditions*; November 5, 2001 Application for Review of CSB Order, DA 01-2325 (rel. October 5 2001).

Dear Ms. Dortch:

I am counsel for the Petitioner in the above-described matter. On November 5, 2001 Petitioner filed an Application for Review of the above-described Cable Services Bureau Chief's October 5, 2001 decision denying the Request and Complaint. The Commission allowed this matter to lie fallow for five years and four months without action notwithstanding completion of all briefing. The extreme delay in disposition essentially allowed the matter to become moot without any formal and final Commission decision since the underlying Merger Conditions have now expired.

The Commission failed to execute its statutory and public interest duties and responsibilities by not resolving the important issues raised by the Request and Complaint with reasonable dispatch. Nonetheless, there is no reason to expend further resources on this matter. Petitioner withdraws the Application for Review.


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