

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of)	DOCKET UT-053038
)	
INTEGRA TELECOM OF)	
WASHINGTON, INC.,)	ORDER 05
)	
Complainant,)	
)	
v.)	FINAL ORDER APPROVING
)	SETTLEMENT AGREEMENT
VERIZON NORTHWEST, INC.,)	
)	
Respondent.)	
)	
.....)	
.)	

Synopsis: This order approves a settlement agreement in which the parties report resolution of an engineering problem and develop approaches to resolving future problems.

1 **Proceeding:** Docket UT-053038 is a complaint filed by Integra Telecom of Washington, Inc., (Integra) against Verizon Northwest, Inc. (Verizon) alleging that Verizon has violated state statutes and has breached its Interconnection Agreement with Integra.

2 **Appearances.** Jay Nusbaum, attorney, Portland, Oregon, represents Integra. Gregory M. Romano, attorney, Everett, Washington, represents Verizon.

3 **Background.** Integra is a competitive local exchange carrier (CLEC) providing telecommunications service in Washington, including Verizon exchanges. Integra provides service to its customers under an Interconnection Agreement between GTE Northwest Incorporated and Covad Communications, adopted by Integra and approved by the Commission on April 26, 2000.¹

¹ Integra Complaint at ¶ 1. Under Section 252(i) of the federal Telecommunications Act of 1996 (Telecom Act), a CLEC may adopt in its entirety an interconnection agreement between two other carriers.

- 4 In its complaint, filed on September 2, 2005, Integra alleged Verizon violated federal and state laws when Verizon failed to provide Integra customers with “channel banks”² that would allow calls to Integra customers to disconnect or “hang up” while at the same time Verizon provided properly functioning disconnect equipment to its own customers.
- 5 The Commission convened a prehearing conference on August 10, 2005 and established a schedule of proceedings calling for an evidentiary hearing on December 20, 2005. The evidentiary hearing was later continued, by agreement of the parties, to February 17, 2006.
- 6 On January 27, 2006, the parties filed a proposed settlement agreement. On March 15, 2006, the Commission suspended consideration of the agreement because it left open the possibility that Integra could re-file the same complaint if the parties did not resolve the disputed issues within a specified period of time. The Commission granted the parties a continuance aimed at allowing them an opportunity to fully resolve the issues in dispute.³
- 7 On August 14, 2006, the parties filed a revised settlement agreement.⁴ On August 15, 2006, the Commission convened a previously scheduled pre-hearing conference before Administrative Law Judge Theodora M. Mace where the parties presented the agreement.
- 8 **Settlement Agreement.** The provisions of the parties’ revised settlement agreement are as follows:
1. All issues presented in the complaint are resolved. Integra will withdraw the complaint with prejudice within three business days of entry of a Commission order approving the settlement agreement without change. *Paragraph 1.*⁵
 2. Integra and Verizon will work cooperatively to prevent and resolve future disconnect service problems by means of testing, personnel training and maintaining an open line of communication. If Integra orders resale

² Integra Complaint, ¶ 10; channel banks, or multiplexers, are devices that put many slow speed voice or data “conversations” onto one high-speed link and control the flow of those “conversations.” Newton’s Telecom Dictionary, 15th Expanded Edition.

³ Order 04, March 15, 2006, ¶ 13.

⁴ See, Narrative Supporting Settlement Agreement and Exhibit 1: Settlement Agreement, filed August 14, 2006.

⁵ As this order accepts the settlement of all issues, there is no need for withdrawal and dismissal of this docket.

service from Verizon pending resolution of a disconnect service problem, Integra reserves the right to seek a credit for the difference between resale and UNE rates and Verizon reserves the right to challenge Integra's attempt to seek such a credit. *Paragraph 3.*

- 9 **Narrative Supporting Settlement Agreement.** The narrative states that the parties have resolved all the issues in dispute and that the revised agreement does not allow for re-filing the current complaint.⁶ The narrative also states in greater detail the process the parties have put in place to resolve future disconnect issues for Integra's customers.⁷
- 10 **Hearing.** The parties used time previously reserved for a prehearing conference on August 15, 2006, to present the proposal. They stated that approval of the revised settlement is in the public interest because: 1) all issues in the complaint with respect to specific Integra customers have been resolved; and 2) testing, training and communication processes have been implemented that will help to resolve future problems.
- 11 The parties assert that their cooperation in resolving such disputes should be encouraged by the Commission. The parties waived entry of an initial order in this case.
- 12 **Discussion and decision.** Our rules express support for parties' efforts to resolve disputes without the need for contested hearings when doing so is lawful and consistent with the public interest.⁸ We find that adoption of the revised settlement agreement resolves the issues leading to the complaint and assures provision of adequate service to Verizon's retail and wholesale customers alike. It seems it would be lawful and consistent with the public interest.
- 13 The revised agreement addresses our concern about the initial agreement – that it did not settle the case but really only requested a continuance – because the revised agreement fully resolves all the specific disconnect problems raised by Integra and does not allow Integra to re-file the same complaint. In addition, the parties have now established systems for communicating and troubleshooting should future disconnect problems arise.

⁶ Narrative, p. 1.

⁷ *Id.*, p. 2

⁸ WAC 480-07-700

- 14 We appreciate the parties' continued efforts to work together on these technical problems and conclude that the revised settlement agreement should be approved.

ORDER

- 15 IT IS ORDERED That the Settlement Agreement filed by the parties on August 14, 2006, is approved. In so doing, the Commission determines that the issues presented in the complaint are resolved and no further action is needed by any party.

DATED at Olympia, Washington, and effective August 23, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PHILIP B. JONES, Commissioner

NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-07-850, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-07-870.