

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

In the Matter of	)	DOCKET UT-053098
	)	
TEL WEST COMMUNICATIONS,	)	
LLC’S PETITION FOR	)	ORDER 01
ENFORCEMENT OF ITS	)	
INTERCONNECTION AGREEMENT	)	ORDER APPROVING
WITH QWEST CORPORATION.	)	SETTLEMENT AGREEMENT
	)	AND DISMISSING PETITION
.....	)	WITH PREJUDICE

*Synopsis: This order approves a settlement agreement disposing of all issues in this proceeding and dismisses the petition with prejudice.*

1 **Proceeding:** Docket UT-053098 is a complaint filed by Tel West Communications, LLC (Tel West) against Qwest Corporation (Qwest) alleging that Qwest had not implemented the Batch Hot Cut<sup>1</sup> process in Washington according to the terms of the parties’ interconnection and wholesale agreements and claiming that Qwest owed Tel West \$38,111.44.

2 **Appearances.** David A. Mittle, attorney, Santa Fe, New Mexico, represents Tel West. Lisa A. Anderl, attorney, Seattle, Washington, represents Qwest.

3 **Background.** Tel West is a competitive local exchange carrier (CLEC) that purchases wholesale services from Qwest under the Qwest Platform Plus (QPP) wholesale services agreement and under terms of an interconnection agreement.

4 On December 8, 2005, Tel West filed this petition with the Commission, claiming that Qwest had not implemented the Batch Hot Cut process in Washington as described in the interconnection and wholesale agreement, and claiming that Qwest owed Tel West \$38,111.44.

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<sup>1</sup> Batch Hot process is the batch hot cut process by which Qwest shifts its customers who desire to be served by another company over to the other company without a loss of service to the customers.

5 Qwest filed an answer and counterclaim denying liability and alleging that Tel West  
was in arrears on its payments to Qwest in the amount of \$286, 452.11.

6 A prehearing conference was scheduled but continued pending the parties' settlement  
negotiations. On March 21, 2006, the parties filed a Joint Motion to Dismiss with  
Prejudice and a Narrative Supporting Settlement Agreement, which constituted a full  
resolution of the issues in dispute.

7 **Settlement Agreement.** The provisions of the Settlement Agreement<sup>2</sup> are as follows:

1. Beginning on March 20, 2006, Tel West agrees to pay Qwest a  
compromised amount in consecutive monthly payments and to make  
timely payments (defined as on or before the due date) of all current  
payments. ¶ 1, 2.
2. Disputes arising out of the agreement must be resolved first according to  
the Qwest Master Services Agreement but neither party is prevented from  
bringing a dispute to the Commission for resolution. ¶ 11.
3. The parties ask the Commission to dismiss the petition and counter claim  
with prejudice and without need for hearing. ¶ 4.

8 **Discussion and decision.** The Commission's 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.<sup>3</sup> The parties in this proceeding have  
resolved all of the disputed issues in this case, their resolution complies with  
Commission rules and will avoid unnecessary expense and use of human resources  
connected with full litigation of the matter. We find that the Settlement Agreement  
will serve the public interest and should be approved and that the petition should be  
dismissed with prejudice.

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<sup>2</sup> A redacted copy of the settlement agreement is attached to this order. The parties also filed a confidential  
version of the agreement with the Commission .

<sup>3</sup> WAC 480-07-700

**ORDER**

- 9 IT IS ORDERED That the Settlement Agreement filed by the parties and attached to this order is approved and that the petition is dismissed with prejudice.

DATED at Olympia, Washington, and effective April 17, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

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.**

# ATTACHMENT A