

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Complaint of)	
)	DOCKET NO. UT-991917
WILLIAM "GENE" VEHLEWALD,)	
Correction of Rule Violations on Pay Phones)	ORDER DISMISSING
)	COMPLAINT
)	
.....)	

I. NATURE OF THE PROCEEDING

1 William "Gene" Vehlewald, an inmate at the Washington State Penitentiary in Walla Walla, Washington, filed a Formal Complaint (Complaint) against U S WEST Communicaitons, Inc. (U S WEST) on November, 15, 1999. On January 27, 2000, Mr. Vehlewald filed a Request to Amend Formal Complaint.

2 In the Complaint, as amended, Mr. Vehlewald alleged that U S WEST had violated the Commission's rules, Washington State statutes, and federal anti-trust law. More specifically, Mr. Vehlewald alleged that U S WEST, in provisioning pay phone services to inmates at the Washington State Penitentiary, engaged in rate discrimination, granted unreasonable preferences, and engaged in other anti-competitive practices.

II. PROCEDURAL HISTORY

3 U S WEST filed an Answer and Affirmative Defenses on January 13, 2000. On February 15, 2000, U S WEST filed a Response to Mr. Vehlewald's request to amend the Complaint. On March 7, 2000, U S WEST filed an Amended Answer and Affirmative Defenses.

4 On February 15, 2000, the Commission issued a Notice of Brief Adjudication.

5 On February 28, 2000, Mr. Vehlewald filed a request for a continuance, which the Commission granted, extending the time to file written statements and evidentiary documents from March 6, 2000 to April 6, 2000.

6 On April 10, 2000, the Commission received a letter from Mr. Vehlewald, which stated that he was withdrawing the Complaint.

III. DISCUSSION

- 7 There are no objections to the withdrawal. The request appears to be consistent with the public interest.

- 8 Procedurally, the Commission grants such a request by dismissing the matter without prejudice. Therefore, the Commission will dismiss the Complaint at the Complainant's request.

IV. ORDER

THE COMMISSION ORDERS That

- 9 The Complaint filed on November 15, 1999, by William "Gene" Vehlewald is dismissed.

DATED at Olympia, Washington, and effective this day of May, 2000.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

WILLIAM R. GILLIS, Commissioner

NOTICE TO ALL 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 480-09-810, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-09-820(1).