

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AT&T CORPORATION and AT&T
COMMUNICATIONS OF THE
PACIFIC NORTHWEST, INC.,

Complainants,

vs.

QWEST CORPORATION,

Respondent.

Docket No. UT-041394

JOINT MOTION TO APPROVE
SETTLEMENT AGREEMENT AND
DISMISS COMPLAINT WITH PREJUDICE

I. INTRODUCTION

- 1 AT&T Corp. and AT&T Communications of the Pacific Northwest, Inc. (hereinafter collectively referred to as "AT&T") and Qwest Corporation ("Qwest") jointly move the Commission to approve the parties' settlement agreement and dismiss the Complaint as set out herein.
- 2 On or about August 6, 2004, AT&T filed its Complaint alleging that Qwest had overcharged AT&T for use of certain conduit facilities located in the state of Washington.

3 Qwest filed its answer on August 25, 2004 alleging the amounts charged by it to AT&T were
controlled by contract.

4 Thereafter AT&T and Qwest exchanged discovery requests and responses. The discovery
process resulted in certain disputes, which were submitted to the Commission and are still on
file, but which will not require Commission resolution in light of this Motion. There is also a
pending motion to amend its answer by Qwest, opposed by AT&T, which will not require
resolution either.

5 By letter dated February 9, 2005, the parties advised the Commission they were engaged in
settlement discussions and asked that the Commission hold the case in abeyance while the
parties explore whether they could reach resolution of all pending issues. That request was
renewed several times and the Commission subsequently entered an order holding the
proceedings in abeyance, contingent upon the filing of periodic status reports, until August 1,
2005.

6 AT&T and Qwest agree this matter is specific to the parties involved and has no significant
implications for regulatory law or policy or for other utilities or customers. The settlement
discussions between AT&T and Qwest have resulted in the resolution of all of the pending
issues in this case in a manner that is mutually acceptable to the parties. Pursuant to
Commission rules, a copy of the settlement agreement is attached hereto. This agreement has
been designated as confidential under the protective order in this proceeding.

7 Based upon the foregoing, AT&T and Qwest hereby agree that the Complaint herein may be
dismissed, with prejudice, and with each of the parties bearing its own fees and costs.

8 Based on the above, AT&T and Qwest, pursuant to WAC 480-07-375, -730, and -740,
respectfully request that the Commission approve the settlement agreement and enter its order

dismissing the Complaint as provided herein.

DATED this 12th day of July, 2005.

DAVIS WRIGHT TREMAINE LLP

QWEST



Gregory J. Kopta, WSBA #20519
2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101-1688
Phone: (206) 628-7692
Fax: (206) 628-7699



Lisa A. Anderl, WSBA #13236
Adam L. Sherr, WSBA #25291
1600 7th Avenue, Room 3206
Seattle, WA 98191
Phone: (206) 398-2500
Fax: (206) 343-4040