

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

PAC-WEST TELECOMM, INC.,)	DOCKET UT-072179
)	
Complainant,)	ORDER 01
)	
v.)	
)	INITIAL ORDER GRANTING
QWEST CORPORATION,)	REQUEST TO WITHDRAW
)	COMPLAINT AND MOTIONS;
Respondent.)	CLOSING DOCKET
)	
.....)	

1 **NATURE OF PROCEEDING.** Pac-West Telecomm, Inc. (Pac-West) filed a complaint in this docket, Docket UT-072179, against Qwest Corporation (Qwest), alleging that Qwest refused to allow Pac-West to submit requests to port local telephone numbers from Qwest customers, also known as local number portability requests. Pac-West alleges Qwest’s actions violate its Interconnection Agreement with Qwest, and state rules and federal laws and rules governing number portability.

2 **PARTY REPRESENTATIVES.** Gregory J. Kopta, Davis Wright Tremaine, LLP, Seattle, Washington, represents Pac-West. Lisa A. Anderl, Associate General Counsel, represents Qwest.

3 **PROCEDURAL HISTORY.** On Friday, November 9, 2007, Pac-West filed with the Washington Utilities and Transportation Commission (Commission) a Complaint to Enforce Number Portability Obligations, as well as a motion for interim relief and motion to shorten time, requesting an expedited hearing date.

4 On Tuesday, November 13, 2007, Pac West notified the Commission that it had resolved its dispute over number porting with Qwest and filed a request to withdraw its complaint and motions.

5 **REQUEST TO WITHDRAW.** Under WAC 480-07-380(3), a party may withdraw from a proceeding only with permission from the Commission if the Commission has

entered a complaint and order suspending a tariff filing, or in all other cases, if the Commission has issued a hearing notice or commenced an adjudicative proceeding.

- 6 A formal complaint, such as the complaint Pac-West filed, is deemed an application for an adjudicative proceeding. *See WAC 480-07-305(3)*. An adjudicative proceeding begins when the Commission issues notice of a prehearing conference, hearing, or other stage of an adjudicative proceeding. *WAC 480-07-305(1)*.
- 7 As the Commission did not formally commence an adjudication in this matter by issuing notice of a hearing or prehearing conference, Pac-West need not seek permission from the Commission to withdraw its complaint or motions. Given Pac-West's request for expedited consideration of its complaint, it is appropriate to provide to all parties formal notice that the complaint and motion are withdrawn and the matter is closed.

ORDER

THE COMMISSION ORDERS:

- 8 The Complaint to Enforce Number Portability Obligations, Motion for Interim Relief, and Motion to Shorten Time filed by Pac-West Telecomm, Inc., on November 9, 2007, in this docket are withdrawn and the docket is closed.

Dated at Olympia, Washington, and effective November 16, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
Administrative Law Judge

NOTICE TO THE PARTIES

This is an initial order. The action proposed in this initial order is not yet effective. If you disagree with this initial order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this initial order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this initial order to file a *Petition for Administrative Review*. Section (3) of the rule identifies what you must include in any petition as well as other requirements for a petition. WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within (10) days after service of the petition.

WAC 480-07-830 provides that before the Commission enters a final order any party may file a petition to reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. The Commission will not accept answers to a petition to reopen unless the Commission requests answers by written notice.

RCW 80.01.060(3), as amended in the 2006 legislative session, provides that an initial order will become final without further Commission action if no party seeks administrative review of the initial order and if the Commission fails to exercise administrative review on its own motion. You will be notified if this order becomes final either by operation of law or on administrative review.

You must serve on each party of record one copy of any Petition or Answer filed with the commission, including proof of service as required by WAC 480-07-150(8) and (9). To file a Petition or Answer with the Commission, you must file an original and **five** copies of your Petition or Answer by mail delivery to:

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Washington Utilities and Transportation Commission
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