

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

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|--------------------------|---|--------------------------|
| AT&T CORP., AND AT&T |) | DOCKET NO. UT-041394 |
| COMMUNICATIONS OF THE |) | |
| PACIFIC NORTHWEST, INC., |) | ORDER NO. 05 |
| |) | |
| Complainants, |) | |
| |) | ORDER ACCEPTING AND |
| v. |) | ADOPTING SETTLEMENT |
| |) | AGREEMENT AND DISMISSING |
| QWEST CORPORATION, |) | COMPLAINT WITH PREJUDICE |
| |) | |
| Respondent. |) | |
| |) | |
| |) | |

1 **Synopsis:** *The Commission accepts and adopts the joint settlement agreement between AT&T Corp and AT&T Communications of the Pacific Northwest, Inc., and Qwest Corporation, and dismisses the complaint with prejudice.*

2 **Proceeding:** Docket No. UT-041394 is a complaint by AT&T Corp. and AT&T Communications of the Pacific Northwest, Inc. (collectively hereafter referred to as "AT&T") against Qwest Corporation, alleging violations of law in transactions involving the lease of Qwest conduit space to AT&T.

3 **Appearances.** Complainants are represented by Gregory Kopta, attorney, Seattle, Washington, and Scott Thompson, attorney, Washington, D. C. Respondent Qwest is represented by Lisa Anderl, attorney, Seattle, Washington. Commission Staff is represented by Greg Trautman, Assistant Attorney General, Olympia, Washington.

4 **Nature of the Complaint.** The complaint relates to a dispute between the parties concerning the rates AT&T pays for rental of space to place its cables in conduits provided by Qwest.

5 **Proceedings.** This matter began with a prehearing conference on January 19, 2005, before Administrative Law Judge C. Robert Wallis. Complainant and respondent asked that the schedule be deferred pending settlement negotiations. The administrative law judge held scheduling in abeyance pending the negotiations.

6 **Settlement Agreement.** On July 13, 2005, AT&T and Qwest filed a joint settlement agreement and motion to dismiss, that proposes to resolve all issues raised in the Complaint. The entire agreement was filed and designated as "confidential." On July 29, 2005, at the request of Judge Wallis, AT&T and Qwest filed a duplicate copy of the settlement agreement designating a more limited subset of information as "confidential."

7 **Discussion and decision.** This is a private complaint between the parties. The rates in question are contract rates and are subject to minimal regulation. They appear to be consistent with all legal requirements. The Commission finds that accepting and adopting the proposed settlement agreement and granting the motion to dismiss will serve the public interest.

ORDER

8 (1) The settlement agreement, of which a redacted version is attached to this Order as Attachment A, is incorporated by this reference and is approved and adopted. An unredacted version of the document is on file with the Commission.

- 9 (2) The complaint in Docket No. UT-041394 is dismissed.

DATED at Olympia, Washington, and effective this 10th day of August, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, 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