

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PAC-WEST TELECOMM, INC.,)	
)	DOCKET NO. UT-023023
Complainant,)	
)	
v.)	ORDER OF DISMISSAL
)	
)	
QWEST COMMUNICATIONS, INC.,)	
f/k/a U S WEST COMMUNICATIONS,)	
INC.,)	
)	
Respondent.)	
.....)	

1 **Proceeding.** Docket No. UT-023023 is a complaint brought by Pac-West Telecomm, Inc. (Pac-West) against Qwest Communications, Inc., f/k/a U S WEST Communications, Inc. (Qwest) for enforcement of an interconnection agreement. The complaint alleges that Qwest is refusing to pay Pac-West monies due for transportation of ISP traffic under reciprocal compensation terms in the agreement.

2 **Background.** The Commission scheduled a prehearing conference for May 31, 2002, to consider formulating the issues in this proceeding, to discuss whether the proceeding should be heard as a complaint or as a petition for enforcement proceeding under WAC 480-09-530, and to establish a procedural schedule.

3 On May 28, 2002, Pac-West filed a voluntary motion to dismiss the complaint without prejudice. Pac-West represents that the parties are working towards settlement of the complaint. Following Pac-West's motion, the Commission cancelled the prehearing conference scheduled for May 31, 2002.

4 **Commission Discussion and Decision.** The Washington Utilities and Transportation Commission has jurisdiction over the parties and the subject matter of this proceeding. It is consistent with the public interest to dismiss the complaint filed by Pac-West.

ORDER

5 Pac-West's motion to dismiss the complaint without prejudice is granted and this proceeding is terminated.

Dated at Olympia, Washington, and effective this _____ day of June, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

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