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STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ARONSON-CAMPBELL INDUSTRIAL  
SUPPLY, INC.,

Complainant,

v.

MCI WORLDCOM COMMUNICATIONS, INC.,

Respondent.

NO. UT-030168

PROPOSED SETTLEMENT OF  
COMPLAINT CASE

COMES NOW, Complainant Aronson-Campbell Industrial Supply, Inc. ("ACISF"), and Respondent MCI WorldCom Communications, Inc. ("MCIW"), and, pursuant to WAC-480-09-466, file the following settlement agreement for Commission review and approval, which is intended to lead to the dismissal of the above-captioned complaint.

I. PRELIMINARY STATEMENT

On February 6, 2003, Aronson-Campbell Industrial Supply, Inc. filed with the Commission a formal Complaint against MCIW alleging various violations of filed contract provisions and the Washington Utilities and Transportation Commission ("WUTC") regulations. MCIW answered the Complaint on March 12, 2003, denying Complainant's allegations. A prehearing conference in this matter was convened on April 3, 2003 at which time the parties indicated a willingness to meet and confer regarding the issues raised by the

PROPOSED SETTLEMENT OF COMPLAINT CASE - 1

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ORIGINAL

1 Complaint and Answer. On April 24, 2003, the parties met and resolved in principle the issues  
2 dividing the parties. Following that meeting the parties have worked toward implementing the  
3 agreement in principle and are now prepared to confirm the following elements of the  
4 settlement.

## 5 II. SETTLEMENT TERMS

6 2.1 Respondent MCIW has now released Complainant's toll free and business  
7 telephone exchanges at all three (3) locations of its offices to ACISI that were the source of a  
8 portion of the complaint, more specifically addressed in paragraphs 1.11 and 1.12 of the  
9 Complaint.

10 2.2 ACISI has now received what appears to be the final billing from MCIW for all  
11 services rendered through May, 2003, when all remaining services by Respondent to  
12 Complainant were terminated at the request of ACISI.

13 2.3 As a result of individual invoice audits and further negotiations between the  
14 parties, ACISI and MCIW have resolved the final billing amount between the parties, and have  
15 agreed that, by tender of a final check for Twenty Two Thousand Seven Hundred Nine Dollars  
16 (\$22,709) from Complainant to Respondent, all outstanding charges on the account and the  
17 remaining monetary dispute will be resolved, and the Complainant will seek dismissal of the  
18 Complaint by the Commission.

19 2.4 Following approval of the settlement and dismissal of the Complaint,  
20 Respondent ACISI will seek dismissal of its previously-filed claim in United States  
21 Bankruptcy Court based upon this dispute.

22 2.5 The parties agree that the result of the settlement is appropriate and consistent  
23 with the public interest.  
24  
25

1 WHEREFORE, having briefly outlined the substance of the settlement agreement  
2 reached between the parties, Complainant Aronson-Campbell Industrial Supply, Inc. and MCI  
3 WorldCom Communications, Inc. ask that the Commission grant approval of the Settlement  
4 Agreement and issue an order approving settlement thereof and issue an order dismissing the  
5 underlying Complaint.

6 In addition, a prehearing conference is currently scheduled in this matter on July 9,  
7 2003. The parties request that in light of this settlement, the prehearing conference be  
8 cancelled.

9 DATED this 24 day of June, 2003.

10 WILLIAMS, KASTNER & GIBBS PLLC

11  
12 By David W. Wiley  
13 David W. Wiley, WSBA #08614  
Dana A. Ferestien, WSBA #26460

14 Attorneys for Complainant,  
15 Aronson-Campbell Industrial Supply, Inc.

16 MCI WORLDCOM COMMUNICATIONS, INC.

17  
18 By Michel L. Singer Nelson

19 Attorneys for Respondent  
20 MCI WorldCom Communications, Inc.

1  
2 CERTIFICATE OF SERVICE  
3

4 I HERBY CERTIFY that I served a true and correct copy of the foregoing on the  
5 following:

6  
7 Shannon E. Smith  
8 Assistant Attorney General  
9 Counsel for WUTC  
10 1400 S. Evergreen Park Drive SW  
11 P.O. Box 40128  
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14 David W. Wiley  
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18  
19 Simon Ffitch  
20 Office of the Attorney General  
21 Public Counsel  
22 900 -- 4th Avenue, Suite 2000  
23 Seattle, WA 98164

24 DATED this 17<sup>th</sup> day of June, 2003, at Denver, Colorado

25  
  
\_\_\_\_\_  
Michel L. Singer Nelson