

[Service Date November 27, 2002]

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

)	
RITZVILLE WAREHOUSE)	DOCKET NO. UT-021053
COMPANY,)	
)	FIRST SUPPLEMENTAL ORDER
Complainant,)	APPROVING AND ADOPTING
)	SETTLEMENT TERMS
v.)	
)	
SPRINT COMMUNICATIONS)	
COMPANY, L.P.,)	
)	
Respondent.)	
.....)	

I. SYNOPSIS

1 *The Commission approves and adopts the terms contained in a settlement and Stipulation between Complainant and Respondent, and dismisses the complaint.*

II. MEMORANDUM

2 **Appearances.** Howard D. Bourne, Practical Solutions, Coeur d'Alene, Idaho represents Ritzville Warehouse Company. William E. Hendricks, III, attorney, Hood River, Oregon represents Sprint Communications Company, L.P. Jonathan Thompson, Assistant Attorney General, Olympia, Washington represents Commission Staff.

3 **Procedural History:** On August 21, 2002, Ritzville Warehouse Company (RWC) filed with the Commission a complaint against Sprint Communications Company, L.P. (Sprint). The complaint alleges that Sprint billed RWC for T1 data circuit service that was never functional.

4 The Commission convened a prehearing conference on October 10, 2002.
Among other things, the Commission denied Sprint's Motion to Dismiss the
complaint, and set a procedural schedule. The parties represented that they
intended to attempt to settle the dispute.

5 **Settlement Agreement:** On October 25, 2002, RWC and Sprint filed a
Stipulation that incorporates the terms of their settlement agreement, and
would resolve the Parties' dispute in its entirety. RCW and Sprint request the
Commission's approval of this Stipulation. Pursuant to the terms of the
Stipulation, RWC filed a Motion to Withdraw the complaint on October 28,
2002.

6 On November 14, 2002, the Commission convened a hearing before
Administrative Law Judge Karen M. Caillé to consider the Stipulation. Sprint
and RWC waive entry of an Initial Order in this matter.

III. DISCUSSION AND DECISION

7 Based on our review of the Stipulation and the record developed in this
proceeding, we find that the issues are adequately addressed and resolved by
the settlement terms contained in the Stipulation. The Stipulation is attached
to this order as Appendix A. We find that the settlement terms are consistent
with the public interest, and that they should be approved and adopted as a
full and final resolution of all the issues pending in Docket No. UT-021053.

8 In accepting and adopting this settlement, we find that the result is consistent
with the public interest in that it appropriately assesses the responsibilities of
the parties, and will operate to minimize future disputes. Moreover,
adoption of the settlement saves time, effort and expense for the Commission,
the company, the complainant, and the Company's ratepayers. Acceptance of
the settlement, however, is done without the detailed examination and the
close study of partisan arguments on contested issues that produces informed
decisions on each litigated issue. The Commission therefore observes,
consistent with similar observations in other proceedings, that this Order
does not constitute a ruling on any underlying issue that might have been
litigated.

9 Accordingly, the Commission grants RWC's motion to withdraw the
complaint and adopts the settlement terms contained in the Stipulation as its
resolution of the issues in this proceeding.

IV. FINDINGS OF FACT

- 10 (1) The Washington Utilities and Transportation Commission is an agency
of the State of Washington vested by statute with authority to regulate
telecommunications companies offering service to the public for
compensation.
- 11 (2) Sprint Communications Company, L.P., is engaged in providing
telecommunications services for hire to the public within the State of
Washington.
- 12 (3) Ritzville Warehouse Company filed a complaint with the Commission
on August 21, 2002, alleging that Sprint billed RWC for T1 data circuit
service that was never functional.
- 13 (4) On October 25, 2002, RWC and Sprint filed a Stipulation that
incorporates the terms of their settlement agreement, and would
resolve the Parties' dispute in its entirety.
- 14 (5) The Stipulation adequately addresses and resolves the issues in this
proceeding.

V. CONCLUSIONS OF LAW

- 15 (1) The Washington Utilities and Transportation Commission has
jurisdiction over the parties and subject matter of this proceeding.
Chapters 80.04 and 80.36 RCW.
- 16 (2) The settlement terms contained in the Stipulation, attached as
Appendix A, fully and fairly resolve the issues in dispute in this
proceeding and are consistent with the public interest.
- 17 (3) The Motion to Withdraw the Complaint should be granted.

- 18 (4) The Commission should retain jurisdiction over the subject matter of
and the parties to this proceeding to effectuate the provisions of this
Order.

VI. ORDER

19 THE COMMISSION ORDERS That:

- 20 (1) The Motion to Withdraw the Complaint is granted.
- 21 (2) The settlement terms in the Stipulation (Appendix A to this Order) are
approved, adopted and made part of this Order.
- 22 (3) The complaint in this matter is hereby dismissed, and this docket is
closed.

23 THE COMMISSION FURTHER ORDERS That it retains jurisdiction over the
subject matter and the parties to effectuate the provisions of this Order.

Dated at Olympia, Washington and effective this ____ day of November,
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).