

[Service Date November 27, 2002]

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

TEL WEST COMMUNICATIONS,)	
LLC.,)	DOCKET NO. UT-013097
)	
Petitioner,)	
v.)	
)	
QWEST CORPORATION,)	
)	DOCKET NO. UT-013086
Respondent.)	
)	
.....)	ORDER RE-OPENING DOCKET
)	AND CONSOLIDATING CASES
In the Matter of the Request for)	FOR PURPOSES OF
Approval of Negotiated Agreement)	REVIEWING A PROPOSED
Under the Telecommunications Act of)	SETTLEMENT AGREEMENT
1996 Between)	
)	
TEL WEST COMMUNICATIONS, LLC)	
and)	
QWEST CORPORATION)	
)	
.....)	

MEMORANDUM

1 **PROCEEDINGS.** Commission Docket No. UT-013097 is a proceeding for enforcement of an interconnection agreement between Tel West Communications, LLP (“Tel West”) and Qwest Corporation (“Qwest”) pursuant to WAC 480-09-530. On January 31, 2002, the Commission entered an order bifurcating the litigation into two sub-proceedings, referred to as “Part A” and “Part B.” Part A evidentiary hearing took place on March 11, 2002, and an initial order was entered on April 25, 2002. On May 23, 2002, the Commission entered a Part A Final Order affirming in part and rejecting in part the initial order.

2 Later, the Commission granted the parties' request that Part B proceedings be
suspended to permit the parties to engage in settlement discussions. A
settlement agreement ("Settlement Agreement") was jointly filed by the
parties on November 22, 2002. The Settlement Agreement consists, in part, of
an amendment to an interconnection agreement ("Amendment"). The
Settlement Agreement states that "the Agreement and the Amendment are
contingent upon Commission approval of the Agreement and the
Amendment in their entirety, as submitted by the Parties."¹

3 The Commission reviews amendments to interconnection agreements in the
same docket that was opened for approval of the initial interconnection
agreement between the parties. This administrative practice is necessary so
that the Commission and other parties can readily identify the most current
agreement in effect. On October 31, 2001, the Commission in Docket No. UT-
013086 approved an interconnection agreement that was negotiated by Qwest
and Tel West Interconnection Agreement. On May 13, 2002, Docket No. UT-
013086 was re-opened to review an amended agreement negotiated and
jointly filed by the parties ("First Amended Agreement"). On June 17, 2002,
the Commission entered an Order approving the First Amended Agreement.

4 **COMMISSION DETERMINATION.** The Commission finds and concludes
that it will be most expedient to review the proposed Settlement Agreement
and the Amendment in the same proceeding. Accordingly, Docket No. UT-
013086 should be re-opened and consolidated with Docket No. UT-013097 for
purposes of reviewing the proposed settlement. The presiding officer should
schedule and issue notice of a settlement hearing as soon as possible in light
of the parties' availability.

ORDER

5 THE COMMISSION ORDERS That Docket No. UT-013086 be re-opened and
consolidated with Docket No. UT-013097 for purposes of reviewing the
proposed Settlement Agreement and the Amendment in the same
proceeding.

¹ See Settlement Agreement, Section 3, Rejection or Partial Rejection of the Settlement.

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 an Interlocutory Order of the Commission. Administrative review may be available through a petition for review, filed within 10 days of the service of this Order pursuant to WAC 480-09-760.