

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

PEND OREILLE COUNTY PUBLIC)	DOCKET NO. UT-053040
UTILITY DISTRICT NO. 1,)	
)	ORDER NO. 03
Complainant,)	
)	
v.)	ORDER GRANTING REQUEST
)	TO WITHDRAW COMPLAINT
PEND OREILLE TELEPHONE)	WITHOUT PREJUDICE
COMPANY,)	
)	
Respondent)	
.....)	

1 *Synopsis: The Commission grants the stipulated request to withdraw the complaint without prejudice.*

2 **NATURE OF PROCEEDING.** Docket No. UT-050340 involves a complaint by Pend Oreille Public Utility District (Public Utility District) against Pend Oreille Telephone Company (Telephone Company or Company) alleging that the Telephone company refuses to interconnect with RCC Holdings, Inc., d/b/a Unicel through the District’s facilities.

3 **APPEARANCES.** Jerry K. Boyd, attorney, Spokane, WA, represents the District. Richard A. Finnigan, attorney, Olympia, WA represents the Telephone Company. Robert C. Cromwell, Jr, Assistant Attorney General, Seattle, WA, represents the Public Counsel Section of the Washington Office of the Attorney General.

4 **BACKGROUND.** The Public Utility District filed this complaint on June 27, 2005. On August 31, 2005, the Commission convened a prehearing conference

and established a schedule of proceedings, calling for the filing of testimony and for an evidentiary hearing to take place on April 18-19, 2006.

5 **REQUEST TO WITHDRAW COMPLAINT.** On October 19, 2005, the parties to the proceeding filed a stipulated request to withdraw the complaint without prejudice. The stipulation states that the Public Utility District filed the complaint to make available cellular phone service to the public in the north part of Pend Oreille County, so that telephone calls made from cell phones in that location to numbers in the vicinity of Ione, Metaline, and Metaline Falls, Washington, would be local in nature.

6 The parties explained that on August 30, 2005, the Telephone Company filed a Traffic Exchange Agreement between the Company and RCC Holdings, Inc. The terms of the August 30, 2005 Agreement allow the public to make cell phone calls in the northern part of Pend Oreille County to local landline numbers without incurring long distance charges. Because the terms of the Agreement satisfy the Public Utility District's goal in filing the complaint, and the Telephone Company, Commission Staff and Public Counsel concur, the parties request permission to withdraw the complaint without prejudice.

7 **DISCUSSION AND DECISION.** We grant the stipulated request for withdrawal of the complaint because it would satisfy the public interest. Based on the terms of the Traffic Exchange Agreement, the public in the northern part of Pend Oreille County will be able to make phone calls at local, rather than long distance, rates at less cost. In addition, permitting the complaint to be withdrawn will conserve Commission and party resources and avoid needless litigation. The request to withdraw the complaint should be without prejudice.

ORDER

8 THE COMMISSION ORDERS That the complaint of the Public Utility District against the Telephone Company may be withdrawn without prejudice.

Dated at Olympia, Washington, and effective this 25th day of October, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, 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.