

[Service Date July 7, 2004]

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

COMPUTER 5*, INC., d/b/a)	DOCKET NO.UT-040018
LOCALTEL COMMUNICATIONS,)	
)	
Complainant,)	ORDER NO. 03
)	
v.)	ORDER APPROVING AND
)	ADOPTING SETTLEMENT
AT&T COMMUNICATIONS OF)	AGREEMENT; WAIVING WACS
THE PACIFIC NORTHWEST, INC.,)	480-07-735 AND 480-07-740; AND
)	DISMISSING COMPLAINT
Respondent.)	WITH PREJUDICE

Synopsis: The Commission approves and adopts the settlement agreement, grants the requested waivers, and dismisses the complaint with prejudice.

- Proceeding:** Docket No. UT-040018 is a complaint and alleging that AT&T refuses to pay the complainant's tariffed rates for carrier access services.
- Appearances.** Richard A. Finnigan, attorney, Olympia, Washington, represents complainant Computer 5*, Inc. d/b/a LocalTel Communications (LocalTel). Letty S. D. Friesen, attorney, Denver, Colorado, represents AT&T Communications of the Pacific Northwest, Inc. (AT&T).
- Settlement.** On May 21, 2004, the parties filed a settlement agreement and motion to dismiss all claims with prejudice. The settlement agreement provides that:

- AT&T will pay LocalTel \$450.48 in resolution of charges for all switched access services provided by LocalTel through January 31, 2004.¹
- For the period February 1, 2004 through December 31, 2005, pursuant to the terms of the settlement agreement and AT&T's CLEC Letter of Agreement (LOA),² the rates for intrastate access will be governed by the Washington Exchange Carriers Association (WECA) tariff on file with the Commission.³
- For the period February 1, 2004 through December 31, 2005, the rate for interstate access will be governed by the LOA.
- LocalTel's complaint against AT&T should be dismissed with prejudice.

A copy of the settlement agreement is attached to this Order as Appendix A and incorporated by reference herein.

- 4 **Discussion and decision.** The Commission is persuaded that adopting the proposed settlement agreement and granting the requested waivers and motion to dismiss will serve the public interest. Resolution of this complaint will assist both carriers to continue to do business in Washington on the basis of a fuller and more accurate understanding of the charges for access services provided by LocalTel.

ORDER

- 5 THE COMMISSION ORDERS That the proposed settlement agreement, attached hereto and incorporated by reference herein is approved and adopted, that the

¹ Settlement agreement at ¶ 5.

² The LOA is an agreement between the parties that is confidential and addresses interstate access rates to be charged AT&T by LocalTel. The parties supplied the Commission with a copy of the LOA on June 18, 2004 under the terms of the protective order entered in this proceeding.

³ Settlement agreement at ¶ 6 and as clarified by letter from LocalTel dated July 6, 2004.

requested waivers of WAC 480-07-735 and WAC 480-07-740 are granted, and that LocalTel's complaint is dismissed with prejudice.

Dated at Olympia, Washington, and effective this 7th day of July, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, 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.

APPENDIX A