

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

IN THE MATTER OF A COMPLAINT  
BY THE JOINT CLECs AGAINST  
THE JOINT APPLICANTS  
REGARDING OSS FOR  
MAINTENANCE AND REPAIR

Docket No. UT-111254

JOINT MOTION FOR APPROVAL OF  
SETTLEMENT AGREEMENT AND  
DISMISSAL OF PROCEEDINGS WITH  
PREJUDICE

Qwest Corporation dba CenturyLink QC (“Qwest” or “legacy Qwest”) and CenturyLink, Inc. (“CenturyLink”) (collectively “Qwest/CenturyLink”); and Advanced Telecom, Inc., d/b/a Integra; Electric Lightwave, LLC, d/b/a Integra; Eschelon Telecom of Washington, Inc., d/b/a Integra; Oregon Telecom Inc., d/b/a Integra; Unicom f/k/a United Communications, Inc., d/b/a Integra (collectively “Integra”), McLeodUSA Telecommunications Services L.L.C. d/b/a PAETEC Business Services (“PAETEC”), and **tw telecom of washington llc** (“**tw telecom**”) (collectively “Joint CLECs”) (Qwest/CenturyLink and Joint CLECs are collectively referred to as the “Settling Parties”) have reached agreement on all issues in dispute in this docket, which is reflected in the Settlement Agreement attached to this Motion as Appendix 1.

1. The Settling Parties request that the Commission approve the Settlement Agreement, consistent with WAC 480-07-730 and -740. The Settlement Agreement resolves all disputes raised by the complaints to the satisfaction of the Settling Parties, on the terms stated in Appendix 1. If the Settlement Agreement is approved without modification, there is no need to continue with this proceeding, and it may properly be dismissed. Wherefore, the Settling Parties request that the Commission approve the Settlement Agreement without modification, and dismiss these proceedings with prejudice.

2. Consistent with the requirements of WAC 480-07-740(2)(a) the Settling Parties provide the following information:

**A narrative outlining the scope of the underlying dispute.**

3. By way of brief background, but without varying the terms of the Settlement Agreement, the parties note that the disputes in this proceeding involve complaints against Qwest/CenturyLink in Minnesota, Colorado, and this docket in Washington. In these complaints, Joint CLECs assert claims, including claims under settlement agreements and merger orders, related to CenturyLink's Operational Support Systems ("OSS") used to provide CLECs access to CenturyLink maintenance and repair systems in legacy Qwest Corporation territory, including CenturyLink's anticipated retirement of Qwest Corporation's Mediated Access system ("MEDIACC"); use of MEDIACC by the graphical user interface known as Customer Electronic Maintenance and Repair ("CEMR via MEDIACC"); and development of Maintenance Ticketing Gateway ("MTG").

**The scope of the settlement and its principal aspects.**

4. The Settlement Agreement resolves the complaints in all three jurisdictions by providing payment to the Joint CLECs and agreeing on procedures to facilitate the adoption and implementation of MTG, and avoids future expenditures related to the issues raised by the complaints. The Settlement Agreement is a one-time exception to the merger settlements and orders in the various states. Except as expressly stated in the Settlement Agreement, the Settling Parties affirm those merger settlements and agreements, and do not request any modification thereof.

**A statement of parties' views about why the proposal satisfies both their interests and the public interest.**

5. The Settlement Agreement satisfies the complainants' interests in that it facilitates the implementation of the newer repair OSS, MTG, while making clear that the underlying merger commitments are unaffected by this one-time exception for MTG. It satisfies the respondents' interests in that CenturyLink can now deploy MTG without the litigation risk associated with the complaint. It satisfies the public interest in that CenturyLink affirms its obligation and intention to maintain the existing MEDIACC system until the merger commitments are satisfied or all carriers have migrated to the MTG system and also assures the Commission that the risks associated with MEDIACC are mitigated without delay and no non-parties are adversely affected. Indeed, the settlement benefits non-parties because it allows any requesting carrier to choose the repair OSS they desire (whether MEDIACC, CEMR, or MTG) at their election and on their timing, and facilitates early implementation of MTG, with the settling parties providing a real-world testing environment for MTG along with transparent implementation processes from which all CLECs benefit.

**A summary of legal points that bear on the proposed settlement.**

6. WAC 480-07-700 states the Commission's policy that it encourages alternative dispute resolution. "The commission supports parties' informal efforts to resolve disputes without the need for contested hearings when doing so is lawful and consistent with the public interest, and subject to approval by commission order." The Commission has the authority to resolve disputes brought to enforce interconnection agreements. WAC 480-07-650. There is no legal prohibition against settlement of such disputes.

7. The Stipulating Parties believe that the Commission may approve the Stipulation without the need for further testimony or hearings in this proceeding, and request that the Commission do so. If helpful to the Commission or the Administrative Law Judge, however,

counsel for the Settling Parties are willing to appear, and are willing to offer testimony in support of the Settlement, as the Commission or Administrative Law Judge may desire, and explain the Settlement Agreement and answer any questions the Commission or the Administrative Law Judge may have. Counsel for Joint CLECs request, however, that they be allowed to attend any such presentation by telephone.

8. The Stipulating Parties have provided a copy of the Settlement to Commission Staff, the only other party in this case. Commission Staff indicates that they take no position on the Commission's approval of the Settlement Agreement and resolution of this docket on the terms stated therein.

9. This motion is made jointly by CenturyLink and Joint CLECs, but for convenience, is filed only by CenturyLink. Joint CLECs have reviewed the Settlement Agreement and this motion and have approved them prior to filing.

Respectfully submitted this 4<sup>th</sup> day of June, 2011.

QWEST CORPORATION DBA CENTURYLINK QC  
CENTURYLINK, INC.

By: \_\_\_\_\_

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