

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of the Application of)	DOCKET NO. UT-021120
)	
QWEST CORPORATION)	ELEVENTH SUPPLEMENTAL
)	ORDER: DENYING MOTION TO
Regarding the Sale and Transfer of)	APPLY SETTLEMENT BILL
Qwest Dex to Dex Holdings, LLC, a)	CREDIT TO QWEST'S RETAIL
non-affiliate)	AND RESALE ACCESS LINES
.....)	

SUMMARY

1 **PROCEEDINGS:** Qwest Corporation (“Qwest”) filed its “Application Regarding Transfer and Sale of Directory Business and Notice of Possible Affiliated Interest Transaction on September 3, 2002. The Commission entered its Tenth Supplemental Order: Approving and Adopting Settlement Agreement; Granting Application and Accepting Notice, Subject to Conditions, on August 1, 2003. The Order required, among other things, that Qwest provide bill credits totaling \$67,000,000 “to active customers of record during [a] Billing Cycle” to commence no later than 45 days after the sale closed.

2 **PARTIES:** Lisa A. Anderl, Senior Attorney, U S WEST, Inc. Seattle, Washington, represents Qwest Corporation. Brooks Harlow, Miller Nash LLP, Seattle, Washington, represents Dex Holdings, LLC. Gregory J. Kopta, Davis Wright Tremaine LLP, Seattle, Washington represents XO Washington, Inc. Arthur A. Butler and Lisa Rackner, Ater Wynne LLP, Seattle, Washington and Portland, Oregon, represent WeBTEC, f/k/a TRACER. Stephen S. Melnikoff, Department of the Army, Judge Advocate General, represents the Department of Defense and Federal Executive Agencies. Ronald Roseman, attorney, Seattle, Washington, represents the AARP. Simon ffitich and Robert Cromwell, Assistant Attorneys General, Seattle,

Washington, represents the Public Counsel Section, Office of Attorney General (“Public Counsel”). Greg Trautman, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (“Commission Staff” or “Staff”).

3 **STAFF MOTION; PUBLIC COUNSEL RESPONSE; HEARING:** The sale closed on September 9, 2003, so that the 45-day deadline for Qwest to begin reflecting credits on customer’s bills falls on October 23, 2003. To meet that deadline, Qwest has to initiate certain computerized billing protocols by October 17, 2003. On October 16, 2003, Staff filed its Motion To Apply the Per-Line Bill Credit Mandated in the Qwest Dex Settlement Agreement to Qwest’s Retail and Resale Access Lines.

4 Public Counsel filed a written response to Staff’s Motion on October 17, 2003.

5 The Commission considered the Motion and Response, and heard oral argument by counsel for Staff, Public Counsel, and Qwest, on October 17, 2003, following electronic and telephonic notice to all parties. All parties acknowledged, or were reliably reported to have received, notice and either participated, or indicated their desire to be excused from participation in the motion hearing.

MEMORANDUM

6 Considering the settlement package as a whole, in the context of the extensive record in this proceeding and the arguments presented by the parties both in writing and orally, the Commission finds and concludes that the Bill Credit authorized and approved by the Commission’s Tenth Supplemental Order applies to Qwest’s retail customers and not to resale customers. Accordingly, Staff’s Motion should be denied.

ORDER

7 The Commission Denies Staff’s Motion To Apply the Per-Line Bill Credit Mandated in the Qwest Dex Settlement Agreement to Qwest’s Retail and Resale Access Lines.

DATED at Olympia, Washington, and effective this ____ day of October 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner