

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**

ELECTRIC LIGHTWAVE, INC.,)	
)	
Complainant,)	DOCKET NO. UT-003131
v.)	
)	
VERIZON NORTHWEST, INC.,)	ORDER DISMISSING
)	COMPLAINT
Respondent.)	
.....)	

BACKGROUND

1 On December 8, 2000, Electric Lightwave, Inc., (“ELI”) filed a formal complaint against Verizon Northwest, Inc., (“Verizon”) asking the Commission to enforce the terms of the “Interconnection, Resale and Unbundling Agreement” (Agreement) between ELI and Verizon pursuant to 47 U.S.C. §§ 251 and 252, WAC 480-09-530, and the terms of the agreement.

2 In its complaint ELI requested that the Commission direct Verizon to pay ELI for facilities used to exchange all traffic between the companies, including ISP-bound traffic, based on the actual traffic flow, including late charges for all past due amounts as authorized in the Agreement.

3 ELI further requested that the Commission impose penalties on Verizon for violation of the Commission’s Arbitration Award, statutes, and Commission rules pursuant to RCW 80.04.380 in the amount of \$1,000 per day for each facility Verizon uses to deliver traffic to ELI and for which Verizon has refused to compensate ELI.

4 Finally, ELI requested that the Commission consider such further relief as it finds fair, just, reasonable, and sufficient.

5 On December 26, 2000 the parties filed a Stipulation and Agreed Order Requesting Extension of Time to File Respondent’s Answer agreeing to extend the time to February 2, 2001 to facilitate settlement negotiations between the parties.

6 On February 1, 2001, the parties filed a Stipulation and Agreed Order requesting Extension of Time to File Respondent’s Answer. The Stipulation extended the time to March 2, 2001.

7 On February 26, 2001, ELI filed a Notice of, or Request for, Dismissal of Complaint. The Notice advised the Commission that ELI and Verizon have resolved the dispute underlying the complaint and that ELI seeks to withdraw its Complaint. In the alternative, ELI requests that the Commission dismiss the complaint and close this docket.

8 The Washington Utilities and Transportation Commission has jurisdiction over the parties and subject matter of these proceedings.

9 It is consistent with the public interest to dismiss the complaint of Electric Lightwave, Inc., against Verizon Northwest, Inc.

ORDER

10 The Commission grants request of Electric Lightwave, Inc., to withdraw its Formal Complaint filed against Verizon Northwest, Inc.

11 The Complaint is dismissed and this proceeding is terminated.

DATED at Olympia, Washington, and effective this day of March, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairman

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 480-09-810, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-09-820(1).