

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,)	DOCKET NO. UT-011225
)	
Complainant,)	
)	
vs.)	COMMISSION ORDER
)	APPROVING SETTLEMENT
TOUCH AMERICA, INC.)	
)	
Respondent.)	
.....)	

SUMMARY

- 1 **PROCEEDINGS:** The Washington Utilities and Transportation Commission, proceeding on its own motion, filed a Complaint on March 13, 2002. The Commission alleged in its Complaint that the operating practices of Touch America, Inc., violated WAC 480-120-101(5).

- 2 **PARTIES:** Lisa Watson, Assistant Attorney General, Olympia, Washington, represents Commission Staff (Staff). Michael J. Meldahl, President, represents Touch America, Inc. (Touch America).

- 3 **SETTLEMENT AGREEMENT:** On March 13, 2002, Staff and Touch America (the Parties) filed a Settlement Agreement to resolve all issues raised in the Complaint.

- 4 **COMMISSION:** The Commission accepts and approves the Parties' settlement as filed.

MEMORANDUM

- 5 On March 13, 2002, the Commission issued a Complaint alleging violations of WAC 480-120-101(5). The Parties have reached agreement on the resolution of the issues raised by the Complaint and have voluntarily entered into the attached Settlement Agreement. The Settlement Agreement reflects the Parties' proposal to the Commission for resolution of all outstanding issues and constitutes a Settlement Agreement within the meaning of WAC 480-09-466.

- 6 In summary, the Settlement Agreement provides for the following actions to be taken by Touch America to resolve the outstanding Complaint:

- Touch America agrees to operate in full compliance with the Commission's rules on complaints and disputes,
- Touch America agrees to pay \$15,825.00 in penalties for rule violations; and,
- Touch America agrees to pay \$2,197.13 for reimbursement of the cost of the investigation.

7 The Commission finds that the Settlement Agreement fairly and equitably resolves all of the issues raised by the Complaint and is therefore in the public interest.

FINDINGS OF FACT

8 The Washington Utilities and Transportation Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, practices, accounts, and other matters pertinent to the operation of public service companies, including telecommunications companies.

9 Touch America engages in the business of providing telecommunications services within Washington State.

10 On March 13, 2002, the Commission issued a Complaint in which it alleged that Touch America had violated a Commission rule.

11 On March 13, 2002, Staff and Touch America filed a Settlement Agreement to resolve all violations to date, which are known to Staff, of the rules cited in the Commission's Complaint.

CONCLUSIONS OF LAW

12 The Washington Utilities and Transportation Commission has jurisdiction over the subject matter and the parties. Chapters 80.04 and 80.36 RCW.

13 Touch America, Inc., violated provisions set in WAC 480-120-101(5).

14 The Settlement Agreement, which is attached to this Order as Appendix A, is consistent with the public interest.

15 The Settlement Agreement fully and fairly resolves the issues pending in Docket No. UT-011225 and is in the public interest. The terms of the Settlement Agreement should be approved and adopted as set out therein.

16 The Commission retains jurisdiction to effectuate the provisions of this order.

ORDER

17 THE COMMISSION ORDERS that the terms of the Settlement Agreement, as signed by representatives for the Parties, are hereby approved and adopted by the Commission.

DATED at Olympia, Washington, and effective this 13th day of March, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner