

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

IN THE MATTER OF:

LEVEL 3 COMMUNICATIONS LLC INC.'S
PETITION FOR ENFORCEMENT OF
INTERCONNECTION AGREEMENT WITH
QWEST CORPORATION

DOCKET NO. UT-053039

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

- 1 Qwest Corporation dba CenturyLink QC (“Qwest” or “legacy Qwest”) and CenturyLink, Inc. (“CenturyLink”) (collectively “Qwest”); and Level 3 Communications, LLC and its affiliates (collectively “Level 3”) (Qwest and Level 3 are collectively referred to as the “Settling Parties”) have reached agreement on all issues in dispute in this Docket No. UT-053039. Pursuant to the discussions at the status conference with the Administrative Law Judge on January 29, 2013, the Settling Parties will consult and file a redacted/confidential version of the Settlement Agreement no later than February 1, 2013.
- 2 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 complaint and counterclaims to the satisfaction of the Settling Parties. If the Settlement Agreement is approved without modification, this docket should be severed from the consolidated proceedings and it may properly be dismissed. Wherefore, the Settling Parties

request that the Commission approve the Settlement Agreement without modification, and dismiss this docket with prejudice.

3 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.

4 By way of brief background, but without varying the terms of the Settlement Agreement, the parties note that the disputes in this proceeding involve a petition for enforcement of the interconnection agreement against Qwest in Washington by Level 3, and counterclaims by Qwest against Level 3. In this case, both parties assert claims related to the obligation to pay intercarrier compensation for VNXX traffic.

The scope of the settlement and its principal aspects.

5 The Settlement Agreement resolves the claims in Washington, (as well as in other jurisdictions, and other claims unrelated to VNXX) by providing payment to Qwest, as well as various credits between the parties, and agreeing on amendments to interconnection agreements as necessary to implement the terms of the Settlement.

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

6 The Settlement Agreement satisfies the Parties' interests in that it ends protracted and costly litigation, and provides certainty going forward. It satisfies the public interest in that the Commission's resources do not need to be devoted to this case, thereby freeing time to address other regulatory issues. The Agreement adopts a bill and keep regime for VNXX traffic, which is consistent with the Commission's rulings on this issue in prior dockets. It also resolves Qwest's claims for refunds and access charges during the disputed period.

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

- 7 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.
- 8 The Settling Parties believe that the Commission may approve the Settlement 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. The Parties have no objection to telephonic appearance.
- 9 This motion is made jointly by Qwest and Level 3, but for convenience, is filed by Qwest. Level 3 has reviewed the Settlement Agreement and this motion and has approved them prior to filing.

Respectfully submitted this 29th day of January, 2013.

QWEST CORPORATION DBA CENTURYLINK QC
CENTURYLINK, INC.

By: 

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