

## DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER  
COMMISSIONER SMITH  
COMMISSIONER HANSEN  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL**

**FROM: WELDON STUTZMAN**

**DATE: JULY 13, 2005**

**SUBJECT: CASE NO. ATT-T-04-1  
STIPULATION AND JOINT MOTION TO DISMISS COMPLAINT WITH  
PREJUDICE**

On August 6, 2004, AT&T Communications of the Mountain States, Inc. (AT&T) filed a complaint against Qwest Corporation alleging that Qwest had overcharged AT&T for use of certain conduit facilities in Idaho. Qwest filed an Answer on August 31, 2004, denying that it had overcharged AT&T, and alleging that the relevant rates were controlled by contract. The parties continued discussing their differences, and notified the Commission beginning February 9, 2005, that they were engaged in settlement discussions. The parties in that initial letter and in subsequent letters asked the Commission to hold the case in abeyance while they attempted to resolve their dispute.

On July 12, 2005, the parties filed a Stipulation and Joint Motion to Dismiss the Complaint with Prejudice. The Motion states that the parties reached a resolution on all of the disputed issues, and requested that the Commission accept the settlement as a private dispute and enter an Order dismissing the complaint.

Commission Rule of Procedure 274 states "the Commission may summarily accept settlement of an essentially private dispute that has no significant implications for regulatory law or policy or for other utilities or customers upon the written request of the affected parties." Staff recommends the Commission summarily accept the private settlement of the parties in this case and grant their Motion to Dismiss the case.

**Commission Decision**

Should the Stipulation and Motion filed by the parties to dismiss the complaint be approved?



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Weldon B. Stutzman

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