DECISION MEMORANDUM

TO:COMMISSIONER HANSEN

COMMISSIONER NELSON

COMMISSIONER SMITH

MYRNA WALTERS

TONYA CLARK

DON HOWELL

STEPHANIE MILLER

DAVE SCHUNKE

JOE CUSICK

DAVID SCOTT

WORKING FILE

FROM:WELDON STUTZMAN

DATE:July 22, 1997

RE:CASE NO. GTE-T-97-3/ATT-T-97-1; MOTION TO DISMISS FILED BY AT&T.

This case was initiated in February 1997, when AT&T Communications of the Mountain States (AT&T) filed a Petition for Arbitration to resolve disputed issues for an interconnection agreement with GTE Northwest, Incorporated (GTE).  On March 10, 1997, the Commission issued Procedural Order No. 26833 appointing an arbitrator and providing a schedule to process AT&T’s Petition.

On July 11, 1997, AT&T filed with the Commission a Motion to Dismiss and an Agreement for Dismissal executed by AT&T and GTE.  In its Motion, AT&T asks the Commission to “enter an Order dismissing AT&T’s Petition for Arbitration without prejudice to AT&T’s right to submit a bona fide request for interconnection, network elements and services to [GTE] and, if necessary, file a Petition for Arbitration of unresolved issues between AT&T and GTE with this Commission.”  The Agreement for Dismissal executed by the parties sets forth the terms by which AT&T may request interconnection with GTE in the future and, if necessary, initiate a Petition for Arbitration with the Commission.

Staff recommends that the Commission issue an order granting AT&T’s Motion to Dismiss.

Commission Decision:

Should the Commission grant AT&T’s Motion to Dismiss and enter an order dismissing and closing the case?

Weldon Stutzman

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