DECISION MEMORANDUM

TO:COMMISSIONER NELSON

COMMISSIONER SMITH

COMMISSIONER HANSEN

MYRNA WALTERS

TONYA CLARK

DON HOWELL

STEPHANIE MILLER

DAVE SCHUNKE

JOE CUSICK

GARY RICHARDSON

WORKING FILE

FROM:WELDON STUTZMAN

DATE:SEPTEMBER 18, 1995

RE:CASE NO. USW-S-95-6; GELLERT COMPANY V. U S WEST

REGARDING ASSIGNMENT OF A TELEPHONE NUMBER

On July 28, 1995, the Gellert Company (Gellert) filed a Complaint against U S WEST Communications regarding the use by Gellert of a telephone number previously assigned to a competitor of Gellert.  The competitor, Industrial Ventilation, Inc. (IVI), learned that Gellert had obtained the use of IVI’s previous Boise telephone number and complained to U S WEST.  U S WEST thereafter stated its intention to place an intercept on the telephone number to notify callers of both IVI’s and Gellert’s telephone numbers.  On August 22, 1995, U S WEST filed an Answer to Gellert’s Complaint.  IVI is not a party to this action, but has written to the Commission urging the Commission to “confirm the decision of U S WEST to continue and forever intercept calls to the phone number.”

Since filing the pleadings, the parties have agreed to a resolution.  U S WEST has agreed to allow Gellert to retain the number and to not place an intercept on it.  Each party will pay its own costs and attorney fees.

COMMISSION DECISION

Because it has been resolved by the parties, should the Commission by Minute Entry or Order dismiss this case?

Weldon B. Stutzman

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