

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

AT&T CORP., a New York Corporation;)	
AT&T COMMUNICATIONS OF THE)	CASE NO. ATT-T-04-1
MOUNTAIN STATES, INC., a Colorado)	
Corporation,)	
)	
Complainants,)	
)	
vs.)	ORDER NO. 29832
)	
QWEST CORPORATION, a Colorado)	
Corporation,)	
)	
Respondent.)	

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 asserting 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.” We find that the dispute is essentially a private dispute that has significant implication only for the two parties. Accordingly, the Commission can summarily accept the private settlement of the parties in this case and grant their Motion to Dismiss.

ORDER

IT IS HEREBY ORDERED that the Commission accepts the Settlement of the parties as a settlement of a private dispute pursuant to Rule of Procedure 274, and the Motion to Dismiss the case with prejudice is granted.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 22nd day of July 2005.



PAUL KJELLANDER, PRESIDENT

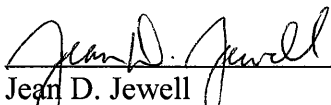


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

bls/O:ATTT0401_ws2