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State of Utah  
Department of Commerce  
Division of Public Utilities

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*Executive Director*

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*Deputy Director*

IRENE REES  
*Director, Division of Public Utilities*

**MEMORANDUM**

**To:** Public Service Commission

**From:** Division of Public Utilities  
Irene Rees, Director  
Wes Huntsman, Telecommunications Manager  
Peggy N. Egbert, Utility Technical Consultant  
Ron Slusher, Utility Technical Consultant

**Date:** April 28, 2005

**Re:** Docket No. 05-054-01  
In the Matter of the Formal Complaint of Union Telephone Company vs. Qwest Corporation.

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**RECOMMENDATION: Approve Qwest's Motion for a More Definite Statement from Union Telephone**

The Division recommends that the Commission approve Qwest's request for a For a More Definite Statement. The Division believes that Union's complaint lacks sufficient support for the complaint to move forward. We believe that before Qwest can prepare a responsive pleading to this complaint, and before the Division can provide factual based recommendation, the following information needs to be provided:

- The tariff(s), price list or interconnection agreement(s) Union relies upon as the basis for its complaint
- The time periods and amount Union contends it has not been paid
- Whether the charges in question are for originating or terminating access
- Whether the traffic is wire-line or wireless
- Whether Qwest is the originating carrier for the traffic at issue or merely a transiting carrier
- Whether the traffic is local traffic or toll traffic.
- Whether the entity that claims it was not compensated is Union the ILEC, or Union the wireless provider

**BACKGROUND:**

On March 07, 2005, Union Telephone Company filed a complaint against Qwest Corporation for failure to pay for originating access charges and terminating access charges to Union's wireless

network. Qwest Corporation responded with a Motion to Dismiss, or in the alternative, For a More Definite Statement.

After reviewing the complaint filed by Union, the Division felt that additional information was needed from Union before it could take a position. The Division sent out data requests to the companies involved to further investigate the issues raised in Union's complaint. Union's response was inconclusive and created new questions; however, the Division did receive information, from both parties, explaining that similar complaints had been filed with the Colorado Public Utilities Commission (CPUC), Docket No. 05F-083T, and in the United State District Court for The District of Wyoming, Case No. 2-CV-209-D. The CPUC agreed with Qwest stating that Union's complaint is "utterly lacking in any detail as to preclude Qwest from filing a responsive pleading" and granted a motion for a more definite statement. Based on the inconclusive information received, and in concurrence with the CPUC, the Division believes that Union's complaint lacks sufficient support for the complaint to move forward.