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Attorneys for Union Telephone Company

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF UTAH**

IN THE MATTER OF THE COMPLAINT OF UNION)
TELEPHONE COMPANY, a Wyoming Corporation,)
Against QWEST CORPORATION, fka U S WEST) Docket No. 05-054-01
COMMUNICATIONS, INC.,)
a Colorado Corporation.)

MOTION TO VOLUNTARILY DISMISS COMPLAINT

Union Telephone Company (“Union”), by and through its undersigned counsel, hereby moves to voluntarily dismiss its Complaint in the above captioned proceeding. In support of this Motion, Union states as follows:

1. Union previously filed a Complaint against Qwest in the United States District Court for the District of Wyoming alleging that it was providing access services to Qwest for which it was not receiving compensation. Notwithstanding the Complaint, the Court issued an Order on Defendant’s Motion for Summary Judgment on or about May 11, 2004 in which it dismissed most of Union’s claims. See *Union Telephone Company v.*

Qwest Corporation, Case No. 02-CV-209-D, Order on Defendant's Motion for Summary Judgment, USDC Wyoming (May 11, 2004). Nevertheless, the Court did not decide those aspects in Union's Complaint which requested compensation for wireline traffic that merely transited Qwest's network or were effected by the tariffs in Utah and Colorado. The Court directed Union to seek determinations by the state regulatory and commissions of Colorado and Utah as to whether Qwest was required to compensate Union for terminating wireless traffic and wireline traffic that transited Qwest's network.

2. In response to the Court's order, Union filed a Complaint with the Utah Commission on or about February 28, 2005 seeking compensation for access services provided by it to Qwest. Various motions have been presented to and decided by the Commission. Union's claims relating to wireless traffic were decided, its remaining claims remain open.

3. As a result of the decision on Union's wireless claims, the greater portion of Union's claims have been decided. Rather than pursuing a minor part of the complaint, it saves judicial time and company resources to address Union's underlying legal justification and claims which can be accomplished by dismissing Union's Complaint without prejudice and allowing Union to proceed with its appeal of the decisions rendered by the Wyoming federal court. Accordingly, Union requests that it be granted leave to voluntarily dismiss its claims in this proceeding without prejudice, including all claims that have been decided.

4. Counsel for Qwest Corporation has advised counsel for Union that Qwest does not object to Union's voluntary dismissal of its claims in this proceeding without prejudice.

Wherefore, Union Telephone Company hereby requests that the Commission grant Union leave to voluntarily dismiss its Complaint in this matter without prejudice.

DATED this _____ day of _____, 2005.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he provided a copy of the foregoing Motion to Voluntarily Dismiss Complaint to the following named parties by electronic mail or U.S. Mail, postage prepaid on the _____ day of December, 2005, and addressed as follows:

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