

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Complaint of NETMARK INC.,)
Complainant)
)
vs.)
)
QWEST CORPORATION,)
Respondent)

DOCKET NO. 02-049-43

REPORT AND ORDER

ISSUED: September 4, 2002

SYNOPSIS

The matter having been settled, the Commission ordered the Complaint dismissed.

By the Commission:

DISCUSSION

Petitioner Netmark, Inc. filed its formal complaint against Qwest Corporation on May 14, 2002, alleging numerous billing errors and incorrect application by Qwest of payments made by Netmark. Several meetings were subsequently held with Netmark and Qwest and a Commission representative acting as mediator. Information was also exchanged between Netmark and Qwest. As a result of those meetings issues surrounding all of the alleged billing errors and misapplication of payments were resolved, and appropriate billing adjustments were made by Qwest. On August 23, 2002, Netmark and Qwest entered into a Settlement Agreement. That Settlement Agreement resolves all billing issues raised in Netmark's complaint, and also sets forth a payment agreement for outstanding balances owed by Netmark. The settlement is in the public interest and leaves no issues remaining for Commission decision. Accordingly we enter the following Order.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

The Complaint of Netmark, Inc. against Qwest Corporation is dismissed.

Pursuant to *Utah Code Ann.* § 63-46b-13, an aggrieved party may file, within 20 days after the date of this Order, a written request for reconsideration by the Commission. Pursuant to *Utah Code Ann.* § 54-7-15, failure to file such a request precludes judicial review of the Order. If the Commission fails to issue an order within 20 days after the filing of such a request, the request shall be deemed denied. Judicial review of this Order may be sought pursuant to the Utah Administrative Procedures Act (*Utah Code Ann.* §§ 63-46b-1 et seq.)

Dated at Salt Lake City, Utah, this 4th day of September, 2002.

/s/Douglas C. Tingey
Administrative Law Judge

Approved and Confirmed this 4th day of September, 2002, as the Report and Order of the Public Service Commission of Utah.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Richard M. Campbell, Commissioner

Attest:

/s/Julie Orchard

Commission Secretary

G#30769