

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1191

QWEST CORPORATION,)
)
 Complainant,)
 v.)
)
 CENTRAL ELECTRIC COOPERATIVE, INC.,)
)
 Defendant.)

ORDER

DISPOSITION: DOCKET CLOSED

On September 7, 2005, Qwest Corporation (Qwest) filed notice of withdrawal of its complaint against Central Electric Cooperative, Inc. (CEC). Qwest stated that the companies had negotiated and executed a new Pole Attachment License Agreement, which will become effective January 28, 2005.


"The Oregon Rules of Civil Procedure shall govern in all cases except as modified by these rules, by order of the Commission, or by ruling of the ALJ." OAR 860-011-0000. Oregon Rule of Civil Procedure 54 A applies to withdrawal of a complaint in court cases: "an action may be dismissed by the plaintiff without order of court by filing a notice of dismissal with the court and serving such notice on the defendant not less than five days prior to the day of trial if no counterclaim has been pleaded."

Pole attachment agreements are presumed to be "just, fair and reasonable" under ORS 757.285: "Agreements regarding rates, terms and conditions of attachments shall be deemed to be just, fair and reasonable, unless the Public Utility Commission finds upon complaint * * * and after hearing, that such rates, terms and conditions are adverse to the public interest and fail to comply with the provisions hereof." Because the complaint has been withdrawn, the agreement is presumed to be reasonable, and the docket is closed.


ORDER

IT IS ORDERED that the docket is closed.

Made, entered, and effective SEP 27 2005.



Lee Beyer
Chairman



John Savage
Commissioner



Ray Baum
Commissioner



A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order to a court pursuant to applicable law.