

**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

UCB 35

CITIZENS TELECOMMUNICATIONS  
COMPANY OF OREGON, d/b/a FRONTIER  
COMMUNICATIONS OF OREGON

Complainant,

ORDER

vs.

QWEST CORPORATION

Defendant.

DISPOSITION: MOTION TO DISMISS GRANTED; DOCKET CLOSED

On September 23, 2008, Citizens Telecommunications Company of Oregon, d/b/a Frontier Communications of Oregon (Frontier), filed a complaint against Qwest Corporation (Qwest). In the complaint, Frontier alleged that Qwest unilaterally began charging Frontier for transiting local and local extended area service (EAS) traffic. Frontier asserted that Qwest had not filed a tariff with the Public Utility Commission of Oregon (Commission) authorizing these charges, nor does Qwest have an agreement with Frontier allowing the charges. Frontier further alleged that Qwest arbitrarily set the rate without establishing that it was just and reasonable, and that the costs of transiting EAS traffic are already recovered in the EAS rates that the Commission established in docket UM 1061. Finally, Frontier alleged that Qwest's decision to bill Frontier, but not other similarly situated carriers, was unjustly discriminatory.

Frontier filed a partial Motion for Summary Judgment on December 9, 2008. In Order No. 09-110 (March 31, 2009), we granted Frontier's motion in part, concluding that this Commission has jurisdiction over transiting local and EAS traffic, and that Qwest violated ORS 759.175 by charging Frontier for such traffic without a Commission-approved tariff or agreement authorizing such charges. We declined, however, to find that Qwest's actions amounted to unjust discrimination under ORS 759.260 or ORS 759.275, and we did not address claims included in Frontier's complaint, but not raised in the motion for summary judgment.

During a prehearing conference on April 13, 2009, Frontier agreed to inform this Commission by June 1, 2009, whether it intended to pursue its remaining claims against Qwest. On May 28, 2009, Frontier filed a motion to dismiss all remaining claims without prejudice. Qwest did not respond to Frontier's motion by the June 12, 2009 response deadline.

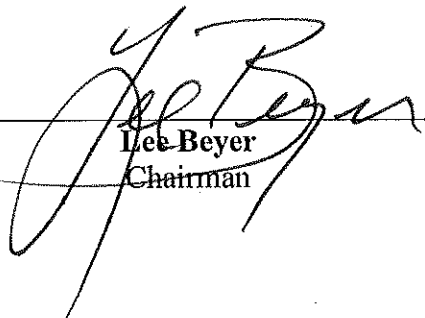
Frontier's motion to dismiss its remaining claims without prejudice is granted. Because no further issues remain for this Commission's resolution, the docket is closed.

**ORDER**

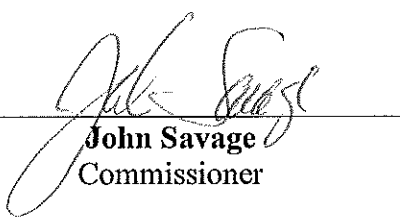
IT IS ORDERED that:

1. The Motion to Dismiss Remaining Claims without prejudice, filed by Citizens Telecommunications Company of Oregon, d/b/a Frontier Communications of Oregon, is granted.
2. This docket is hereby CLOSED.

Made, entered and effective JUN 16 2009.

  
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**Lee Beyer**  
Chairman

  
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**Ray Baum**  
Commissioner

  
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**John Savage**  
Commissioner

