

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Polar Communications Mutual Aid Corporation
vs. Qwest Corporation & Information Technology
Department
Complaint

Case No. PU-09-111

ORDER OF DISMISSAL

November 25, 2009

On March 18, 2009, Polar Communications Mutual Aid Corporation (Polar) filed a complaint with the North Dakota Public Service Commission (Commission) alleging that Qwest Corporation (Qwest) was allowing the State of North Dakota - Information Technology Department (ITD) to originate toll calls from outside of the Qwest Grafton Exchange to be terminated as Extended Area Service (EAS) traffic to the Polar Exchange Areas via established EAS trunks, thereby avoiding payment to Polar of intrastate access charges attributable to a toll call. EAS is a service by which a subscriber of one exchange may call a subscriber in another exchange without paying a toll fee or separate charge for the call.

On June 11, August 7, and September 8, 2009, parties were granted continuance to discuss settlement of the matter.

On July 21, 2009, Polar and ITD filed a Stipulation of Dismissal agreeing that pleadings against ITD are dismissed with prejudice and without costs, disbursements, or attorneys' fees to any party.

On October 28, 2009, Polar and Qwest filed a Stipulation of Dismissal agreeing that pleadings against Qwest are dismissed without prejudice and without costs, disbursements, or attorneys' fees to any party.

ORDER

The Commission orders that the matter be dismissed as provided in the July 21, 2009 Stipulation of Dismissal entered into by Polar and ITD, and as provided in the October 28, 2009 Stipulation of Dismissal entered into by Polar and Qwest.

PUBLIC SERVICE COMMISSION



Tony Clark
Commissioner



Kevin Cramer
Chairman



Brian P. Kalk
Commissioner