

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

NTS Services Corp. :
-vs- :
Gallatin River Communications, : **12-0116**
LLC d/b/a CenturyLink :

ORDER

By the Commission:

On February 15, 2012, NTS Services Corp. (“NTS”) filed a Complaint with the Illinois Commerce Commission (“Commission”) alleging that Gallatin River Communications, LLC d/b/a CenturyLink (“CenturyLink”) was in violation of Sections 9-250, 13-515, and 10-108 of the Illinois Public Utilities Act, 220 ILCS 5/1-101 *et seq.* (“Act”) and in breach of the parties' interconnection agreement entered pursuant to Sections 251 and 252 of the Federal Communications Act (47 U.S.C. §251, 252). NTS and CenturyLink waived the time limit requirements set forth in Section 13-515(d) of the Act.

Commission Staff participated in the matter. NTS, CenturyLink, and Staff were represented by counsel. Pursuant to due notice, a prehearing conference was held in the matter on March 6, 2012 before a duly appointed Administrative Law Judge (“ALJ”). On March 7, 2012, CenturyLink filed a Motion for a More Sufficient Complaint and Bill of Particulars and a Motion to Dismiss Counts II and III of the Complaint. On March 13, 2012, Staff filed a Motion to Strike Certain Portions of NTS' Complaint and Request for Declaratory Ruling. Responses and Replies were filed. On April 6, 2012, the ALJ issued a ruling granting the Motions in part and noting that NTS had conceded the Motion to Dismiss Count II of the Complaint.

NTS filed an Amended Verified Complaint on April 27, 2012. On May 10, 2012, CenturyLink filed an Answer to the Amended Complaint, denying the substance of its allegations. Status hearings were held on April 17, 2012, May 15, 2012, January 8, 2013, March 5, 2013, April 23, 2013, and June 5, 2013. Various testimonies were prefiled.

On August 13, 2013, NTS and CenturyLink filed a Motion to Voluntarily Dismiss Complaint (“Motion”), stating they have reached a settlement. The Motion requests that the Commission dismiss the Amended Complaint with prejudice and assess to NTS, the Commission’s costs of investigation and conduct of the proceedings brought under Section 13-515 including, but not limited to, the prorated salaries of Staff, attorneys, administrative law judges, and support personnel. Staff did not object to the motion. No evidentiary hearing was held. No proposed order was issued.

The Commission, after reviewing the entire record and being fully advised in the premises, is of the opinion and finds that:

- (1) the Commission has jurisdiction over the parties to this case and the subject matter of this proceeding;
- (2) the procedural history recited in the prefatory portion of this Order is supported by the record;
- (3) the Motion to Voluntarily Dismiss Complaint filed by the parties should be granted;
- (4) pursuant to Section 13-515(g) of the Act, NTS Services, Inc. is directed to pay the Commission's costs including, but not limited to, the prorated salaries of Staff, attorneys, administrative law judges, and support personnel;
- (5) each party must bear its own attorney's fees and non-Commission costs.

IT IS THEREFORE ORDERED that the Motion to Voluntarily Dismiss Complaint filed by NTS and CenturyLink is hereby granted and the Amended Complaint filed by NTS Services, Corp. on April 27, 2012, be and is hereby dismissed with prejudice.

IT IS FURTHER ORDERED that Commission costs of this proceeding shall be assessed against NTS Services Corp. in accordance with Findings (4) and (5) above.

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code Part 200.800, this Order is final and is not subject to the Administrative Review Law.

By order of the Commission this 10th day of September, 2013.

(SIGNED) DOUGLAS P. SCOTT

Chairman