Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CALIFORNIA ISP ASSOCIATION, INC., Complainant, vs. PACIFIC BELL TELEPHONE COMPANY (U-1001-C); SBC ADVANCED SOLUTIONS, INC. (U-6346-C) and DOES 1-20, Defendants.	Case 01-07-027 (Filed July 26, 2001)

ORDER OF DISMISSAL

In Decision (D.) 03-07-032, the Commission approved a settlement agreement entered into between the California Internet Service Provider Association (CISPA), Pacific Bell Telephone Company (Pacific, or SBC), and SBC Advanced Solutions, Inc. (SBC/ASI) (jointly, "the Settling Parties"), as long as the settlement was modified as set forth in Appendix A of that order. (D.03-07-032, Ordering Paragraph 1, mimeo. at 28.) The Commission directed the Settling Parties to execute a modified settlement and file it within 10 days of the Commission's order. (*Id.*)

In accordance with D.03-07-032, the Settling Parties filed an acceptance of the Commission's modifications to the settlement, and attached a copy of the

newly executed agreement.[1] The revised settlement agreement, executed on July 21, 2003, is identical to the agreement that was found reasonable and in the public interest by the Commission,[2] except that it contains one additional sentence added by the Settling Parties. The additional sentence in Section 1.a of the agreement reads as follows:

> The parties agree that this paragraph shall not be construed to foreclose SBC offering VoDSL service, either on its own or after further application to the Commission, whichever is appropriate, nor does it foreclose future complaints by DSL Transport customers.

This additional sentence is identical to statements contained on page 25 of D.03-07-032 and is, therefore, acceptable.

Therefore, because the Settling Parties have executed a modified settlement agreement, dated July 21, 2003, that adheres to Appendix A of D.03-07-032, this case is dismissed with prejudice.

Uncontested Decision Grants Relief Requested

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Loretta M. Lynch is the Assigned Commissioner and Dorothy Duda is the assigned Administrative Law Judge in this proceeding.

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[1] *See Acceptance of the Settlement in Compliance with Decision 03-07-032*, July 21, 2003.

[2] *See* D.03-07-032, mimeo. at 27.

Finding of Fact

The revised settlement agreement, executed on July 21, 2003, is identical to the agreement found reasonable and in the public interest by the Commission in D.03-07-032.

Conclusion of Law

The revised settlement agreement executed on July 21, 2003 should be approved and this complaint dismissed with prejudice.

O R D E R

IT IS ORDERED that:

1. The revised settlement agreement executed on July 21, 2003 is approved.
2. This complaint is dismissed with prejudice.
3. This proceeding is closed.

This order is effective today.

Dated _____, at San Francisco, California.