



**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

FILED
03-28-11
04:59 PM

VAYA Telecom, Inc. (U7122C),

Complainant,

vs.

Pacific Bell Telephone Company d/b/a AT&T
California (U1001C),

Defendant.

C. 10-12-001

**JOINT MOTION FOR RULING APPROVING CONFIDENTIAL
INTERIM SETTLEMENT AGREEMENT
[PUBLIC VERSION]**

Pursuant to Rule 11.1 of the Public Utilities Commission of the State of California's ("Commission's") Rules of Practice and Procedure, Vaya Telecom, Inc. ("Vaya") and Pacific Bell Telephone Company d/b/a AT&T California ("AT&T") (the "Parties") respectfully submit this Joint Motion for Ruling Approving Confidential Interim Settlement Agreement.

1. Vaya filed the above-captioned complaint alleging AT&T invoices improperly assessed access tariff charges on VOIP and certain transit traffic Vaya sends to AT&T.

2. After the complaint was filed, AT&T notified Vaya of AT&T's intent to discontinue providing services to Vaya on the basis of Vaya's nonpayment to AT&T of certain charges.

3. On January 21, 2011, Vaya filed with the Public Utilities Commission of the State of California ("Commission") an Emergency Motion of Vaya Telecom, Inc. for Immediate Ruling, or Ex Parte Temporary Restraining Order and Order to Show Cause Why Preliminary Injunction Should Not Issue Prohibiting Pacific Bell Telephone Company d/b/a AT&T California from Disrupting Interconnecting Services ("Emergency Motion").

4. To settle on an interim basis pending a Commission decision in the above-captioned complaint certain matters raised by AT&T's notice to discontinue certain services and Vaya's Emergency Motion, the Parties have executed a Confidential Interim Settlement Agreement between Vaya Telecom, Inc. and Pacific Bell Telephone Company ("Confidential Interim Settlement Agreement'), effective February 11, 2011, attached hereto as Confidential Attachment 1.

5. The Confidential Interim Settlement Agreement is a reasonable compromise agreed to by the Parties and consistent with the public interest.

6. The Parties have agreed to submit the Confidential Interim Settlement Agreement to the assigned Administrative Law Judge subject to protection as confidential pursuant to California Public Utilities Code § 583 and the Commission's General Order ("G.O.") 66-C and have filed herewith a joint motion for leave to file Attachment 1 under seal.

WHEREFORE, the Parties respectfully request that the Commission issue a ruling approving the Confidential Interim Settlement Agreement and granting the accompanying joint motion for leave to file Attachment 1 under seal.

Dated: March 28, 2011, at Tiburon, California.

Respectfully submitted,

AT&T CALIFORNIA

By: /s/ David J. Miller

David J. Miller
AT&T Services Legal Department
525 Market Street, Room 2018
San Francisco, CA 94105
Tel: (415) 778-1393
Fax: (281) 664-9478
davidjmiller@att.com

Counsel for AT&T

Respectfully submitted,

VAYA TELECOM, INC.

By: /s/ William C. Harrelson

William C. Harrelson
James M. Tobin
August O. Stofferahn
Tobin Law Group
1628 Tiburon Blvd.
Tiburon, CA 94920
(415) 732-1700 (telephone)
(415) 789-0276 (facsimile)
jim@tobinlaw.us
bill@tobinlaw.us
august@tobinlaw.us

Attorneys for Vaya Telecom, Inc

ATTACHMENT 1

[PUBLIC VERSION - REDACTED]