



Legislation Text

File #: 15-3851, **Version:** 1

AT&T MOBILITY SETTLEMENT AGREEMENT

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Agreement of Settlement & Release between New Cingular Wireless PCS LLC and the City of Longview

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

On November 1, 2010 New Cingular Wireless PCS LLC submitted a Claim against the City seeking the refund of \$124,734 in local utility taxes. New Cingular Wireless PCS LLC had previously collected these local utility taxes from its customers allegedly on charges for data services providing Internet access between November 1, 2005 and September 30, 2010, and which tax previously was allegedly remitted.

New Cingular Wireless PCS LLC filed similar claims against numerous municipalities throughout the State of Washington.

In an attempt to protect the City's interest and hold down legal fees, the City joined with several other Washington cities and entered into a contract with Kenyon Disend, PLLC for legal services associated with the New Cingular Wireless PCS LLC utility tax refund claim matter. Following two lawsuits and the legal proceedings associated therewith, New Cingular Wireless PLCC has at this time offered to settle the Claim and agreed to accept \$18,421.66 in full satisfaction of any and all obligations with respect to the Claim. The settlement offer constitutes less than fifteen percent (15%) of the original Claim.

RECOMMENDED ACTION: Motion to accept the Agreement of Settlement & Release between New Cingular Wireless PCS LLC and the City of Longview.