

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Request of)	DOCKET NO. UT-033019
)	
LIGHTYEAR COMMUNICATIONS, INC.,)	ORDER NO. 01
)	
and)	ORDER APPROVING
)	ADOPTED AGREEMENT AND
QWEST CORPORATION)	NEGOTIATED FIRST
)	AMENDED AGREEMENT
For Approval of Negotiated)	ADDING PROVISIONS FOR
Agreement Under the)	RECIPROCAL
Telecommunications Act of 1996)	COMPENSATION
.....)	

BACKGROUND

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of an adopted agreement and first amendment (Amended Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Amended Agreement is between Lightyear Communications, Inc., (Lightyear) and Qwest Corporation (Qwest). On May 12, 2003, the parties filed a joint request that Lightyear receive all arrangements provided in an interconnection agreement previously approved by the Commission between Z-Tel Communications, and Qwest in Docket UT-003130, and also requesting approval of a negotiated first amendment. On April 12, 2000, in Docket UT-990355 – Interpretive and Policy Statement regarding Section 252 (i) of the Telecom Act – the Commission concluded that amendments to original adopted agreement would be deemed new agreements under the Telecom Act and must be submitted to the Commission for approval.

FINDINGS AND CONCLUSIONS

- 2 (1) The Commission is an agency of the State of Washington vested by statute
with the authority to regulate public service companies, including
telecommunications companies. *RCW 80.01.040; Chapter 80.04 RCW and*
Chapter 80.36. RCW.
- 3 (2) Section 252(e)(1) of the Telecom Act requires parties to a negotiated
agreement to submit the agreement to the Commission for approval.
Section 252(e)(2)(A) states that the Commission may only reject an
agreement (or any portion thereof) adopted by negotiation if it finds that:
- 4 (i) the agreement (or any portion thereof) discriminates against a
telecommunications carrier not a party to the agreement; or
- 5 (ii) the implementation of such agreement or portion is not consistent
with the public interest, convenience, and necessity.
- 6 (3) Qwest is engaged in the business of furnishing telecommunications
services including, but not limited to, basic local exchange service within
the state of Washington.
- 7 (4) Lightyear is authorized to provide telecommunications services to the
public in the state of Washington.
- 8 (5) On May 12, 2003, the parties filed with the Commission a joint request that
Lightyear receive all arrangements provided in an interconnection
agreement previously approved by the Commission between Z-Tel
Communications, and Qwest in Docket UT-003130, and also requesting
approval of a negotiated first amendment. On April 12, 2000, in Docket

UT-990355 – Interpretive and Policy Statement regarding Section 252(i) of the Telecom Act – the Commission concluded that amendments to original adopted agreements would be deemed new agreements under the Telecom Act and must be submitted to the Commission for approval.

- 9 (7) Lightyear and Qwest voluntarily negotiated the entire amendment.
- 10 (8) The Amended Agreement between Lightyear and Qwest was brought before the Commission at its regularly scheduled meeting on June 11, 2003.
- 11 (9) The Amended Agreement does not discriminate against any other telecommunications carrier.
- 12 (10) The Amended Agreement will facilitate local exchange competition in the state of Washington.
- 13 (11) The Amended Agreement is consistent with the public interest, convenience, and necessity.
- 14 (121) The Amended Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 15 (13) The laws and regulations of the State of Washington and Commission Orders govern the construction and interpretation of the Amended Agreement. The Amended Agreement is subject to the jurisdiction of the Commission.
- 16 (14) After examination of the proposed Amended Agreement filed by Lightyear and Qwest on May 12, 2003, and giving consideration to all

relevant matters, the Commission finds the proposed Amended Agreement should be approved.

O R D E R

THE COMMISSION ORDERS:

- 17 (1) The Amended Agreement between Lightyear Communications, Inc., and Qwest Corporation, which the parties filed on May 12, 2003, is approved and effective as of the date of this Order.
- 18 (2) In the event that the parties revise, modify, or amend the Agreement approved in this Order, the revised, modified, or Amended Agreement will be deemed to be a new agreement under the Telecom Act and must be submitted to the Commission for approval, pursuant to 47 U.S.C. § 252(e)(1) and relevant provisions of state law, prior to taking effect.
- 19 (3) The laws and regulations of the State of Washington and Commission Orders govern the construction and interpretation of the Amended Agreement. The Amended Agreement is subject to the jurisdiction of the Commission.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

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DATED at Olympia, Washington, and effective this 11th day of June, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary