BEFORE THE WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Request of)) DOCKET NO. UT-043014	
MAR INC.	ATHON COMMUNICATIONS,)	ORDER NO. 01	
	and))		
VERI	ZON NORTHWEST INC.)		
)	ORDER APPROVING	
	Approval of Negotiated Agreement)	NEGOTIATED AGREEMENT	
	er the Telecommunications Act of)	FOR INTERCONNECTION	
1996)	AND RESALE OF SERVICES	
• • • • •)		
BACKGROUND				
This	matter comes before the Washington I	Jtili	ities and Transportation	
	mission (Commission) for approval of		•	
	connection and the resale of specified			
the Telecommunications Act of 1996 (Telecom Act). The Agreement is between				
Marathon Communications, Inc. (Marathon), and Verizon Northwest Inc. (Verizon). The parties filed a joint request for approval of the Agreement on				
	•	101 6	approvar of the Agreement on	
rebru	ary 26, 2004.			
	FINDINGS AND C	ON	CLUSIONS	
(1)	The Commission is an agency of the State of Washington vested by st			
()	with the authority to regulate public service companies, including			
	telecommunications companies. RCW 80.01.040; Chapter 80.04 and Chapter			
	80.36 RCW.	,,,	erezieze, e.mprer eerez mm emprer	
(2)	Section 252(e)(1) of the Telecom Act	rea	uires parties to a negotiated	
(-)	agreement to submit the agreement to the Commission for approval.			
agreement to busine the agreement to the Commission of 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) Verizon 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) Marathon is authorized to provide telecommunications services to the public in the state of Washington.
- 8 (5) On February 26, 2004, the parties filed with the Commission a joint request for approval of a negotiated interconnection and resale of services agreement, pursuant to the Telecom Act.
- 9 (6) Marathon and Verizon voluntarily negotiated the entire Agreement.
- 10 (7) The Agreement between Marathon and Verizon was brought before the Commission at its regularly scheduled meeting on April 14, 2004.
- 11 (8) The Agreement does not discriminate against any other telecommunications carrier.
- 12 (9) The Agreement will facilitate local exchange competition in the state of Washington.

- 13 (10) The Agreement is consistent with the public interest, convenience, and necessity.
- 14 (11) The Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 15 (12) The laws and regulations of the State of Washington and Commission
 Orders govern the construction and interpretation of the Agreement. The
 Agreement is subject to the jurisdiction of the Commission.
- 16 (13) After examination of the proposed Agreement filed by Marathon and Verizon on February 26, 2004, and giving consideration to all relevant matters, the Commission finds the proposed Agreement should be approved.

ORDER

THE COMMISSION ORDERS:

- 17 (1) The Agreement for interconnection and resale of services between Marathon Communications, Inc. and Verizon Northwest Inc., which the parties filed on February 26, 2004, is approved and effective as of the date of this Order.
- 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 Agreement. The 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.

DATED at Olympia, Washington, and effective this 14th day of April, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary