

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

In the Matter of the Request of)	DOCKET NO. UT-043031
)	
THINK 12 CORPORATION, d/b/a)	ORDER NO. 02
HELLO DEPOT)	
)	
and)	
)	
VERIZON NORTHWEST INC.)	ORDER APPROVING FIRST
)	AMENDED NEGOTIATED
For Approval of Negotiated)	AGREEMENT FOR
Agreement Under the)	INTERCONNECTION AND
Telecommunications Act of 1996)	RESALE OF SERVICES
.....)	

BACKGROUND

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated agreement for interconnection and the resale of specified exchange services (First Amended Agreement) under the Telecommunications Act of 1996 (Telecom Act). The First Amended Agreement is between Think 12 Corporation, d/b/a Hello Depot (Hello Depot), and Verizon Northwest Inc. (Verizon). The original agreement between the parties was approved by the Commission on June 9, 2004. The parties filed this joint request for approval of the First Amended Agreement on May 11, 2004.

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 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) 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) Hello Depot is authorized to provide telecommunications services to the public in the state of Washington.
- 8 (5) The Commission approved an original interconnection agreement between the parties on June 9, 2004. The Commission ordered that in the event the parties amended their agreement, the amended agreement would be deemed a new agreement under the Telecom Act and must be submitted to the Commission for approval.
- 9 (6) On May 11, 2004, the parties filed with the Commission a joint request for approval of a negotiated First Amended Agreement for interconnection and resale of services, pursuant to the Telecom Act.
- 10 (7) Hello Depot and Verizon voluntarily negotiated the entire First Amended Agreement.

- 11 (8) The First Agreement between Hello Depot and Verizon was brought before the Commission at its regularly scheduled meeting on June 30, 2004.
- 12 (9) The Agreement does not discriminate against any other telecommunications carrier.
- 13 (9) The First Amended Agreement is intended by the parties to give contractual effect to the Federal Communications Commission's (FCC) August 21, 2004, Triennial Review Order (TRO). *Amended Agreement at 1.* The parties' statements purporting to interpret the TRO are not binding on the Commission. There is a docket before the Commission (Docket No. UT-033044) in which the Commission anticipates addressing issues related to the TRO. That docket is pending. The Commission issued an order suspending those proceedings indefinitely on March 3, 2004. *Order No. 14 Granting Qwest Motion to Suspend Proceedings Indefinitely; Canceling Procedural Schedule, March 3, 2004..*
- 14 (10) The First Amended Agreement is consistent with the public interest, convenience, and necessity.
- 15 (11) The First Amended Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 16 (12) The laws and regulations of the State of Washington and Commission Orders govern the construction and interpretation of the first Amended Agreement. The First Amended Agreement is subject to the jurisdiction of the Commission.

- 17 (13) After examination of the proposed First Amended Agreement filed by Verizon and Hello Depot on May 11, 2004, and giving consideration to all relevant matters, the Commission finds the proposed First Amended Agreement should be approved.

O R D E R

THE COMMISSION ORDERS:

- 18 (1) The First Amended Agreement for interconnection and resale of services between Think 12 Corporation, d/b/a Hello Depot and Verizon Northwest Inc., which the parties filed on May 11, 2004, is approved and effective as of the date of this Order.
- 19 (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.
- 20 (3) The laws and regulations of the State of Washington and Commission orders govern the construction and interpretation of the First Amended Agreement. The First 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 30th day of June, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary