

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

In the Matter of the Request of	)	DOCKET NO. UT-003066
	)	
ARCH WIRELESS OPERATING	)	
COMPANY, INC. f/k/a MOBILE	)	
COMMUNICATIONS	)	
CORPORATION OF AMERICA	)	
	)	
and	)	
	)	ORDER APPROVING
QWEST CORPORATION	)	NEGOTIATED FIRST AMENDED
	)	AGREEMENT ADDING
For Approval of Negotiated	)	PROVISIONS FOR EXPIRATION
Agreement Under the	)	AND SINGLE POINT OF
Telecommunications Act of 1996	)	PRESENCE
.....	)	

**BACKGROUND**

1     This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated first amended agreement (Amended Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Amended Agreement is between, Arch Wireless Operating Company, Inc., f/k/a Mobile Communications Corporation of America (Arch) and Qwest Corporation (Qwest). The Commission allowed an interconnection agreement between the parties on July 12, 2000. 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 the original adopted agreement would be deemed new agreements under the Telecom Act and must be submitted to the Commission for approval. The parties filed a joint request for approval of a first amendment on January 10, 2003.

## 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) Arch is licensed by the Federal Communications Commission as a radio  
communications service provider.
- 8 (5) The Commission allowed an interconnection agreement between the  
parties on July 12, 2000. 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.

- 9 (6) On January 10, 2003, the parties filed with the Commission a joint request for approval of a first amendment to the previously approved interconnection agreement, pursuant to the Telecom Act.
- 10 (7) The Amended Agreement between Arch and Qwest was brought before the Commission at its regularly scheduled meeting on January 29, 2003.
- 11 (8) Arch and Qwest voluntarily negotiated the entire amendment.
- 12 (9) The Amended Agreement does not discriminate against any other telecommunications carrier.
- 13 (10) The Amended Agreement will facilitate local exchange competition in the state of Washington.
- 14 (11) The Amended Agreement is consistent with the public interest, convenience, and necessity.
- 15 (12) The Amended Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 16 (13) The laws and regulations of the State of Washington and Commission Orders govern the construction and interpretation of the Amended Agreement.
- 17 (14) The Amended Agreement is subject to the jurisdiction of the Commission.
- 18 (15) After examination of the proposed Amendment Agreement filed by Arch and Qwest on January 10, 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:

- 19 (16) The Amended Agreement between Arch Wireless Operating Company, Inc., f/k/a Mobile Communications Corporation of America and Qwest Corporation, which the parties filed on January 10, 2003, is approved and effective as of the date of this Order.
- 20 (17) 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.
- 21 (18) 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.

DATED at Olympia, Washington, and effective this 29th day of January, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner