



## 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) Z-Tel is authorized to provide telecommunications services to the public  
in the state of Washington.
- 8 (5) On November 29, 2000, the parties filed with the Commission a joint  
request that Z-Tel receive all arrangements provided in an interconnection  
agreement previously approved by the Commission between Sprint and  
Qwest in Docket UT-003006. The Commission accepted this request on  
December 13, 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 agreements would be deemed new agreements under the Telecom Act and must be submitted to the Commission for approval.

- 9 (6) On January 20, 2004, 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) Z-Tel and Qwest voluntarily negotiated the entire amendment.
- 11 (8) The Amended Agreement between Z-Tel and Qwest was brought before the Commission at its regularly scheduled meeting on February 11, 2004.
- 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. The Amended Agreement is subject to the jurisdiction of the Commission.

- 17 (14) After examination of the proposed Amended Agreement filed by Z-Tel and Qwest on January 20, 2004, 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:

- 18 (1) The Amended Agreement between Z-Tel Communications, Inc., and Qwest Corporation, which the parties filed on January 20, 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 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.

DATED at Olympia, Washington, and effective this 11th day of February, 2004 .

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary