

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

In the Matter of the Request of) DOCKET NO. UT-043118
)
) ORDER NO. 01
Qwest Corporation)
) ORDER APPROVING
) NEGOTIATED AGREEMENT
) FOR INTERCONNECTION OF
and) SERVICES AND FIRST AND
Verizon Northwest, Inc.) SECOND AMENDED
) AGREEMENTS REMOVING
For Approval of Negotiated) CERTAIN UNBUNDLED
Agreement Under the) NETWORK ELEMENTS AND
Telecommunications Act of 1996) ADDING RATES FOR UNEs
.....)

BACKGROUND

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated agreement for interconnection of specified exchange services and negotiated first and second amended agreements (collectively the Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Agreement is between Qwest Corporation (Qwest), and Verizon Northwest, Inc. (Verizon). The parties filed a joint request for approval of the Agreement on November 10, 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 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) 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 (4) 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 (5) Qwest is authorized to provide telecommunications services to the public in the state of Washington.
 - 8 (6) On November 10, 2004, the parties filed with the Commission a joint request for approval of a negotiated agreement for interconnection of specified exchange services and negotiated first and second amended agreements, pursuant to the Telecom Act.
 - 9 (7) Qwest and Verizon voluntarily negotiated the entire Agreement.
 - 10 (8) The Agreement between Qwest and Verizon was brought before the Commission at its regularly scheduled meeting on January 26, 2005.
 - 11 (9) The Agreement does not discriminate against any other telecommunications carrier.
 - 12 (10) The first amended agreement is intended by the parties to give contractual effect to the parties' interpretations of the Federal Communications

Commission's (FCC) Triennial Review Order¹, the US Court of Appeals USTA II Decision², and the FCC's Interim Rules³ without need for further amendment. *First Amended Agreement at 1 and 2*. The Commission, in approving any fully-negotiated agreement, does not endorse any particular interpretation of these documents, nor does the first amended agreement abrogate either the parties' filing obligation or their rights under the Telecom Act.

- 13 (11) The Agreement will facilitate local exchange competition in the state of Washington.
- 14 (12) The Agreement is consistent with the public interest, convenience, and necessity.
- 15 (13) The Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 16 (14) 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.
- 17 (15) After examination of the proposed Agreement filed by Verizon and Qwest on November 10, 2004, and giving consideration to all relevant matters, the Commission finds the proposed Agreement should be approved.

¹ *In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket Nos. 01-338, 96-98 and 98-147, (effective October 2, 2003).

² *USTA v. FCC*, 359 F.3d 554 (D.C. Cir. 2004) (effective June 16, 2004).

³ *In the Matter of Unbundled Access to Network Elements, Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, WC Docket No. 04-313, CC Docket No. 01-338 (effective September 13, 2004).

ORDER

THE COMMISSION ORDERS:

- 18 (1) The Agreement for interconnection of services between Qwest Corporation and Verizon Northwest, Inc., which the parties filed on November 10, 2004, is approved and effective.
- 19 (2) In the event that the parties revise, modify, or amend the agreement approved herein, 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 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 26th day of January, 2005.

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WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary