

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

In the Matter of the Request for)	
Approval of Negotiated Agreement)	
Under the Telecommunications Act)	DOCKET NO. UT-023044
of 1996 Between)	
)	
UNITED STATES CELLULAR, INC.,)	ORDER APPROVING
)	NEGOTIATED FIRST
and)	AMENDMENT FOR WIRELESS
)	INTERCONNECTION
UNITED TELEPHONE COMPANY)	
OF THE NORTHWEST)	
.....)	

BACKGROUND

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated first amendment to a wireless interconnection agreement (Amended Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Amended Agreement is between United States Cellular, Inc., (US Cellular), and United Telephone Company of the Northwest (Sprint). The Commission approved a wireless interconnection agreement between the parties on October 30, 2002. 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. The parties filed a joint request for approval of a first amendment on August 30, 2002.

MEMORANDUM

2 The Amended Agreement between US Cellular and Sprint was brought before the Commission at its regularly scheduled open meeting held on November 15, 2002, at its offices in Olympia, Washington. The Commission granted its approval of the Amended Agreement as negotiated and requested by the parties.

FINDINGS OF FACT

- 3 The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, securities, and transfer of public service companies, including telecommunications companies.
- 4 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:
- 5 (i) the agreement (or any portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
 - 6 (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.
- 7 Sprint is engaged in the business of furnishing telecommunications services, including, but not limited to, basic local exchange service within the state of Washington.
- 8 US Cellular is licensed by the Federal Communications Commission as a commercial mobile radio service provider.
- 9 The Commission approved a wireless interconnection agreement between the parties on October 30, 2002. 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.
- 10 On August 30, 2002, the parties filed with the Commission a joint request for approval of a first amendment to the previously approved wireless interconnection agreement, pursuant to the Telecom Act.
- 11 US Cellular and Sprint voluntarily negotiated the entire amendment.

12 The Amended Agreement does not discriminate against any other telecommunications carrier.

13 The Amended Agreement will facilitate local exchange competition in the state of Washington.

CONCLUSIONS OF LAW

14 The Commission has jurisdiction over the subject matter and all parties to this proceeding.

15 The Amended Agreement is consistent with the public interest, convenience, and necessity.

16 The Amended Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).

17 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.

ORDER

THE COMMISSION ORDERS:

18 The Amended Agreement between United States Cellular, Inc., and United Telephone Company of the Northwest, which the parties filed on August 30, 2002, is approved and effective as of the date of this order.

19 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 negotiated 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 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 15th day of November, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner