

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

In the Matter of the Request of	)	DOCKET NO. UT-023064
	)	
SPRINT PCS	)	
	)	
and	)	
	)	ORDER APPROVING
UNITED TELEPHONE COMPANY	)	NEGOTIATED FIRST AMENDED
OF THE NORTHWEST	)	AGREEMENT ADDING RATES,
	)	TERMS, AND CONDITIONS FOR
For Approval of Negotiated	)	NUMBER PORTABILITY
Agreement Under the	)	ASSOCIATED WITH TYPE 1
Telecommunications Act of 1996	)	WIRELESS INTERCONNECTION
.....	)	

**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 Sprint PCS (PCS) and United Telephone Company of the Northwest (Sprint). The Commission approved a wireless interconnection agreement between the parties on January 8, 2003 . 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 January 20, 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)     Sprint 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)     PCS is licensed by the Federal Communications Commission as a  
commercial mobile radio service provider.
- 8       (5)     The Commission approved a wireless interconnection agreement between  
the parties on January 8, 2003. 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 January 20, 2004, 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.
- 10 (7) PCS and Sprint voluntarily negotiated the entire amendment.
- 11 (8) The Amended Agreement between PCS and Sprint was brought before the Commission at its regularly scheduled meeting held 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 Sprint and PCS 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 Sprint PCS and United Telephone Company of the Northwest, 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