

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Request For Approval of	)	DOCKET NO. UT-970377
Negotiated Agreement Under the	)	
Telecommunications Act of 1996 Between	)	
	)	
WINSTAR WIRELESS, INC.,	)	ORDER APPROVING
	)	NEGOTIATED FIRST
and	)	AMENDMENT TO INTERIM
	)	AGREEMENT FOR
	)	WIRELESS
VERIZON NORTHWEST INC.,	)	INTERCONNECTION
f/k/a GTE NORTHWEST INCORPORATED	)	
. . . . .		

**BACKGROUND**

1. This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated amendment (Amended Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Amended Agreement is between WinStar Wireless, Inc., (WinStar), and Verizon Northwest Inc. (Verizon), f/k/a GTE Northwest Incorporated. The Commission approved an interconnection agreement between the parties on February 25, 1998. 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. On March 23, 2000, the Commission received notification from Verizon that the current interconnection agreement between the parties would expire on March 23, 2000. The parties submitted an interim interconnection agreement in which WinStar would be able to continue to provide service to Washington customers while the parties conducted negotiations for a new interconnection agreement. The interim agreement was approved by the Commission on May 10, 2000, as a First Amended Agreement. On February 26, 2001, the parties filed a joint request for approval of a first amendment to their interim agreement.

**MEMORANDUM**

2. The Amended Agreement between WinStar and Verizon was brought before the Commission at its regularly scheduled open public meeting of March 28, 2001, 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 transfers 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:

- (i) the agreement (or any portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.

5. Verizon is engaged in the business of furnishing telecommunications services, including, but not limited to, basic local exchange service within the state of Washington.

6. WinStar is licensed by the Federal Communications Commission as a commercial mobile radio service provider.

7. The Commission approved an interconnection agreement between the parties on February 25, 1998. 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. On March 23, 2000, the Commission received notification from Verizon that the current interconnection agreement between the parties would expire on March 23, 2000. The parties submitted an interim interconnection agreement in which WinStar would be able to continue to provide service to Washington customers while the parties conducted negotiations for a new interconnection agreement. The interim agreement was approved by the Commission on May 10, 2000, as a First Amended Agreement.

8. On February 26, 2001, the parties filed with the Commission a joint request for approval of a first amendment to the previously approved interim interconnection agreement pursuant to the Telecom Act.

9. WinStar and Verizon voluntarily negotiated the entire amendment.

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

11. The Amended Agreement will facilitate local exchange competition in the state of Washington by enabling WinStar to expand its presence in the local exchange market and increase customer choices for local exchange services.

### **CONCLUSIONS OF LAW**

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

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

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

15. 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 and the Washington courts.

### **ORDER**

#### **THE COMMISSION ORDERS:**

16. The Amended Agreement between WinStar Wireless, Inc., and Verizon Northwest Inc., f/k/a GTE Northwest Incorporated, which the parties filed on February 26, 2001, is approved and effective.

17. In the event the parties revise, modify, or amend the agreement approved herein, 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.

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 and the Washington courts.

DATED at Olympia, Washington, and effective this 28<sup>th</sup> day of March, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner