

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

In the Matter of the Request of	)	DOCKET NO. UT-033006
	)	
WAVESENT LLC	)	ORDER NO. 01
	)	
and	)	
	)	
QWEST CORPORATION	)	ORDER APPROVING
	)	NEGOTIATED FIRST AMENDED
For Approval of Negotiated Agreement	)	AGREEMENT ADDING
Under the Telecommunications Act of	)	PROVISIONS FOR SINGLE
1996	)	POINT OF PRESENCE
.....	)	

**BACKGROUND**

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated first amended agreement (Amended Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Amended Agreement is between WaveSent LLC and Qwest Corporation (Qwest). On February 10, 2003, the parties filed a joint request that WaveSent LLC receive all arrangements provided in an interconnection agreement previously approved by the Commission between Arch Paging and Mobile Communications and Qwest in Docket UT-003066. The Commission accepted this request on February 28, 2003. 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 agreement would be deemed new agreements 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 July 15, 2003.

## 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) WaveSent LLC is licensed by the Federal Communications Commission as a commercial radio service provider.
- 8 (5) On February 10, 2003, the parties filed a joint request that Page Data receive all arrangements provided in an interconnection agreement previously approved by the Commission between Arch Paging and Mobile Communications and Qwest in Docket UT-003066. The Commission accepted this request on February 28, 2003. 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 July 15, 2003, 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) WaveSent LLC and Qwest voluntarily negotiated the entire amendment.
- 11 (8) The Amended Agreement between WaveSent LLC and Qwest was brought before the Commission at its regularly scheduled meeting on August 13, 2003.
- 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 WaveSent LLC and Qwest on July 15, 2003, and giving consideration to all relevant matters, the Commission finds the proposed Amended Agreement should be approved.

## **ORDER**

THE COMMISSION ORDERS:

- 18 (1) The Amended Agreement between WaveSent LLC and Qwest Corporation, which the parties filed on July 15, 2003, 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 13<sup>th</sup> day of August, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary