

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

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|---------------------------------|---|--------------------------|
| In the Matter of the Request of |) | DOCKET NO. UT-033026 |
| |) | |
| PACIFIC BELL WIRELESS |) | ORDER NO. 01 |
| NORTHWEST, LLC d/b/a |) | |
| CINGULAR WIRELESS |) | |
| |) | |
| and |) | |
| |) | |
| QWEST CORPORATION |) | ORDER APPROVING |
| |) | NEGOTIATED FIRST |
| For Approval of Negotiated |) | AMENDED AGREEMENT |
| Agreement Under the |) | ADDING PROVISIONS FOR |
| Telecommunications Act of 1996 |) | SINGLE 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 Pacific Bell Wireless Northwest LLC d/b/a Cingular Wireless (Cingular) and Qwest Corporation. On June 11, 2003, the parties filed a joint request that Cingular receive all arrangements provided in an interconnection agreement previously approved by the Commission between VoiceStream and Qwest in Docket UT-013104. The Commission accepted this request on July 9, 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 June 30, 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) Cingular is licensed by the Federal Communications Commission as a
commercial mobile radio service provider.
- 8 (5) On June 11, 2003, the parties filed a joint request that Cingular receive all
arrangements provided in an interconnection agreement previously
approved by the Commission between VoiceStream and Qwest in Docket
UT-013104. The Commission accepted this request on July 9, 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 June 30, 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) Cingular and Qwest voluntarily negotiated the entire amendment.
- 11 (8) The Amended Agreement between Cingular and Qwest was brought before the Commission at its regularly scheduled meeting on July 23, 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 (121) 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 Cingular and Qwest on June 30, 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 Pacific Bell Wireless Northwest, LLC d/b/a Cingular Wireless and Qwest Corporation, which the parties filed on June 30, 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.

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DATED at Olympia, Washington, and effective this 23rd day of July, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary