

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

In the Matter of the Request for Approval	)	
of Negotiated Agreement Under the	)	
Telecommunications Act of 1996	)	DOCKET NO. UT-970313
Between	)	
	)	ORDER APPROVING
RCC HOLDINGS, INC., f/k/a BMCT	)	NEGOTIATED SECOND
L.P. INCORPORATED	)	AMENDED AGREEMENT FOR
	)	TYPE 2 WIRELESS
and	)	INTERCONNECTION ADDING
	)	PROVISIONS FOR INTERNET
QWEST CORPORATION, f/k/a U S	)	SERVICE PROVIDER BOUND
WEST COMMUNICATIONS, INC.	)	TRAFFIC
.....	)	

**BACKGROUND**

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated second amended agreement for Type 2 wireless interconnection (Amended Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Amended Agreement is between RCC Holdings, Inc., (RCC), f/k/a BMCT L.P. Incorporated, and Qwest Corporation (Qwest), f/k/a U S WEST Communications, Inc. The Commission approved a Type 2 wireless interconnection agreement between the parties on June 25, 1997, and a First Supplemental Order on September 10, 1997. 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 second amendment on November 13, 2001.

**MEMORANDUM**

2 The Amended Agreement between RCC and Qwest was brought before the Commission at its regularly scheduled open meeting held on December 12, 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 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 Qwest is engaged in the business of furnishing telecommunications services,  
including, but not limited to, basic local exchange service within the state of  
Washington.

8 RCC is licensed by the Federal Communications Commission as a commercial  
mobile radio service provider.

9 The Commission approved a Type 2 wireless interconnection agreement between the  
parties on June 25, 1997, and a First Supplemental Order on September 10, 1997.  
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 November 13, 2001, the parties filed with the Commission a joint request for  
approval of a second amendment to the previously approved Type 2 wireless  
interconnection agreement, pursuant to the Telecom Act.

11 RCC and Qwest 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 and the courts of Washington state.

**O R D E R**

THE COMMISSION ORDERS:

- 18 The Amended Agreement between RCC Holdings, Inc., f/k/a BMCT L.P. Incorporated and Qwest Corporation, f/k/a U S WEST Communications, Inc., which the parties filed on November 13, 2001, 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 and the courts of Washington state.

DATED at Olympia, Washington, and effective this 12<sup>th</sup> day of December, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

PATRICK J. OSHIE, Commissioner