

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

In the Matter of the Request of)	DOCKET NO. UT-043008
)	
MCI WORLDCOM)	ORDER NO. 01
COMMUNICATIONS, INC.)	
)	
and)	
)	ORDER APPROVING
VERIZON NORTHWEST INC.)	NEGOTIATED AGREEMENT
)	FOR INTERCONNECTION
For Approval of Negotiated)	AND RESALE OF SERVICES,
Agreement Under the)	INCLUDING PROVISIONS FOR
Telecommunications Act of 1996)	LINE SPLITTING
.....)	

BACKGROUND

- 1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated agreement for interconnection and the resale of specified exchange services (Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Agreement is between MCI Worldcom Communications, Inc. (MCI), as successor to Rhythms Links Inc. (Rhythms), and Verizon Northwest Inc. (Verizon). The parties filed a joint request for approval of the Agreement on January 26, 2004.

- 2 This Agreement was assigned to MCI pursuant to an order of the Bankruptcy Court in connection with MCI's purchase of certain assets of Rhythms. Under the Bankruptcy Court order, MCI was directed to choose a single interconnection agreement under which to operate in Washington. However, the terms of MCI's existing interconnection agreement, as filed in UT-033062, does not include line splitting and other needed provisions. Therefore, this agreement is needed in order for MCI to operate with respect to applicable assets and sites purchased from Rhythms.

3 On February 17, 2004, the Commission received comments from Level(3)
Communications, LLC (Level(3)), referencing Dockets UT-033062, UT-033063,
and UT-043008. The comments made by Level(3) relate only to terms in the
amendments of Dockets UT-033062, UT-033063 and UT-043008. At this time, the
Commission is not acting on the amendment in Docket UT-043008, and therefore
will not respond to the comments until the amendment is acted upon.

FINDINGS AND CONCLUSIONS

- 4 (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.*
- 5 (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:
- 6 (i) the agreement (or any portion thereof) discriminates against a
telecommunications carrier not a party to the agreement; or
- 7 (ii) the implementation of such agreement or portion is not consistent
with the public interest , convenience, and necessity.
- 8 (3) Verizon is engaged in the business of furnishing telecommunications
services including, but not limited to, basic local exchange service within
the state of Washington.

- 9 (4) MCI is authorized to provide telecommunications services to the public in the state of Washington.
- 10 (5) On January 26, 2004, the parties filed with the Commission a joint request for approval of a negotiated interconnection and resale of services agreement, pursuant to the Telecom Act.
- 11 (6) MCI and Verizon voluntarily negotiated the entire Agreement.
- 12 (7) The Agreement between MCI and Verizon was brought before the Commission at its regularly scheduled meeting on March 24, 2004.
- 13 (8) The Agreement does not discriminate against any other telecommunications carrier.
- 14 (9) The Agreement will facilitate local exchange competition in the state of Washington.
- 15 (10) The Agreement is consistent with the public interest, convenience, and necessity.
- 16 (11) The Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 17 (12) The laws and regulations of the State of Washington and Commission Orders govern the construction and interpretation of the Agreement. The Agreement is subject to the jurisdiction of the Commission.

- 18 (13) After examination of the proposed Agreement filed by Verizon and MCI on January 26, 2004, and giving consideration to all relevant matters, the Commission finds the proposed Agreement should be approved.

ORDER

THE COMMISSION ORDERS:

- 19 (1) The Agreement for interconnection and resale of services between MCI Worldcom Communications, Inc. and Verizon Northwest Inc., which the parties filed on January 26, 2004, is approved and effective as of the date of this Order.
- 20 (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.
- 21 (3) The laws and regulations of the State of Washington and Commission orders govern the construction and interpretation of the Agreement. The 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 24th day of March, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary