

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

In the Matter of the Request of	)	DOCKET NO. UT-043125
	)	
TCG SEATTLE	)	ORDER NO. 01
	)	
and	)	
	)	
QWEST CORPORATION	)	ORDER APPROVING
	)	NEGOTIATED FIRST AMENDED
For Approval of Negotiated	)	AGREEMENT ADDING
Agreement Under the	)	PROVISIONS FOR RELATIVE
Telecommunications Act of 1996	)	USE FACTORS
.....	)	

**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 TCG Seattle (TCG), and Qwest Corporation (Qwest).
  
- 2 The Commission approved an interconnection agreement between the parties on February 6, 2004, in Docket No. UT-033035. In that docket, the Commission also approved an agreement between Qwest and AT&T Communications of the Pacific Northwest (AT&T) as AT&T and TCG are affiliated entities. The Commission ordered in Order No. 01 in Docket No. UT-033035 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.
  
- 3 Qwest and TCG filed a joint request for approval of a first amendment on November 12, 2004. In order to better track amendments to the AT&T and TCG agreements, the Commission has assigned separate docket numbers to the two

agreements. The TCG agreement has been assigned Docket No. UT-043125, and the AT&T agreement has been assigned Docket No. UT-043126. AT&T is not a party to Docket UT-043125.

### 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 RCW 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) Qwest 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) TCG is authorized to provide telecommunications services to the public in the state of Washington.

- 10 (5) The Commission approved an interconnection agreement between the parties on February 6, 2004, in Docket UT-033035. 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.
- 11 (6) On November 12, 2004, 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.
- 12 (7) The Amended Agreement between TCG and Qwest was brought before the Commission at its regularly scheduled meeting on January 12, 2005.
- 13 (8) Qwest and TCG voluntarily negotiated the entire amendment.
- 14 (9) The Amended Agreement does not discriminate against any other telecommunications carrier.
- 15 (10) The Amended Agreement will facilitate local exchange competition in the state of Washington.
- 16 (11) The Amended Agreement is consistent with the public interest, convenience, and necessity.
- 17 (12) The Amended Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 18 (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.

- 19 (14) After examination of the proposed Amended Agreement filed by Qwest and TCG on November 12, 2004, and giving consideration to all relevant matters, the Commission finds the proposed Amended Agreement should be approved under Docket UT-043125.

## ORDER

### THE COMMISSION ORDERS:

- 20 (1) The Amended Agreement between TCG Seattle and Qwest Corporation, which the parties filed on November 12, 2004, is approved and effective as of the date of this Order.
- 21 (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.
- 22 (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 12<sup>th</sup> day of January, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary