

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

In the Matter of the Request of	)	DOCKET NO. UT-993022
	)	
TW WIRELESS, L.L.C.	)	
	)	
and	)	
	)	ORDER APPROVING
QWEST CORPORATION	)	NEGOTIATED SECOND
	)	AMENDED AGREEMENT
For Approval of Negotiated	)	ADDING PROVISIONS FOR
Agreement Under the	)	INTERNET SERVICE PROVIDER
Telecommunications Act of 1996	)	BOUND TRAFFIC
.....	)	

**BACKGROUND**

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated second amended agreement (Amended Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Amended Agreement is between, TW Wireless, L.L.C. (TW Wireless) and Qwest Corporation (Qwest). The Commission approved an interconnection agreement between the parties on January 26, 2000, and a first amended agreement on March 12, 2003. 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 June 20, 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) TW Wireless licensed by the Federal Communications Commission as a  
radio communications service provider.
- 8 (5) The Commission approved an interconnection agreement between the  
parties on March 12, 2003, and a first amended agreement on March 12,  
2003. 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.
- 9 (6) On June 20, 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) The Amended Agreement between TW Wireless and Qwest was brought  
before the Commission at its regularly scheduled meeting on July 9, 2003.

- 11 (8) TW Wireless and Qwest voluntarily negotiated the entire amendment.
- 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.
- 17 (14) The Amended Agreement is subject to the jurisdiction of the Commission.
- 18 (15) After examination of the proposed Amendment Agreement filed by TW  
Wireless and Qwest on June 9, 2003, and giving consideration to all  
relevant matters, the Commission finds the proposed Amended  
Agreement should be approved.

**ORDER**

## THE COMMISSION ORDERS:

- 19 (16) The Amended Agreement between TW Wireless, L.L.C, and Qwest Corporation, which the parties filed on June 20, 2003, is approved and effective as of the date of this Order.
- 20 (17) 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 (18) 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.

DATED at Olympia, Washington, and effective this 9<sup>th</sup> day of July, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary