

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

In the Matter of the Request of)	DOCKET NO. UT-003066
)	
ARCH WIRELESS OPERATING)	
COMPANY, INC. f/k/a MOBILE)	
COMMUNICATIONS)	
CORPORATION OF AMERICA)	
)	
and)	
)	ORDER APPROVING
QWEST CORPORATION, f/k/a U S)	NEGOTIATED SECOND
WEST COMMUNICATIONS, INC.,)	AMENDED AGREEMENT
)	EXTENDING THE EXPIRATION
For Approval of Negotiated)	DATE AND MAKING
Agreement Under the)	TEXTUAL CHANGES TO
Telecommunications Act of 1996)	SECTIONS 1.1 AND 1.2
.....)	

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 Arch Wireless Operating Company, Inc., (Arch), f/k/a Mobile Communications Corporation of America, and Qwest Corporation (Qwest), f/k/a U S WEST Communications, Inc. On June 30, 2000, the parties filed a joint request that Arch receive all arrangements provided in a paging connection agreement previously approved by the Commission between AirTouch Paging (AirTouch), and Qwest in Docket UT-990300. The Commission accepted this request on July 12, 2000. On January 29, 2003, the Commission approved a first amended agreement. 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 December 9, 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) Arch is licensed by the Federal Communications Commission to provide paging services.
- 8 (5) On June 30, 2000, the parties filed with the Commission a joint request that Arch receive all arrangements provided in a paging connection agreement previously approved by the Commission between AirTouch and Qwest in

Docket UT-990300. The Commission accepted this request on July 12, 2000. On January 29, 2003, the Commission approved a first amended agreement. 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 December 9, 2003, the parties filed with the Commission a joint request for approval of a second amendment to the previously approved paging connection agreement pursuant to the Telecom Act.
- 10 (7) Arch and Qwest voluntarily negotiated the entire amendment.
- 11 (8) The Amended Agreement does not discriminate against any other telecommunications carrier.
- 12 (9) The Amended Agreement will facilitate local exchange competition in the state of Washington.
- 13 (10) The Amended Agreement is consistent with the public interest, convenience, and necessity.
- 14 (11) The Amended Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 15 (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.

- 16 (14) After examination of the proposed Amended Agreement filed by Arch and Qwest on December 9, 2003, and giving consideration to all relevant matters, the Commission finds the proposed Amended Agreement should be approved.

ORDER

THE COMMISSION ORDERS:

- 17 (1) The Amended Agreement for paging connection between Arch Wireless Operating Company, Inc., f/k/a Mobile Communications Corporation of America, and Qwest Corporation f/k/a U S WEST Communications, Inc., which the parties filed on December 9, 2003, is approved and effective as of the date of this Order.
- 18 (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 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.
- 19 (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.

DATED at Olympia, Washington, and effective this 31st day of December, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary