

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of the Request for Approval of)	
Negotiated Agreement Under the)	
Telecommunications Act of 1996 Between)	DOCKET NO. UT-970314
)	
CELLCO PARTNERSHIP, d/b/a)	
VERIZON WIRELESS)	ORDER APPROVING
)	NEGOTIATED FIRST
and)	AMENDED AGREEMENT
)	ADDING PROVISIONS FOR
QWEST CORPORATION, f/k/a U S)	INTERNET SERVICE
WEST COMMUNICATIONS, INC.)	PROVIDER-BOUND TRAFFIC
.....)	

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 Cellco Partnership, d/b/a Verizon Wireless (Cellco), and Qwest Corporation (Qwest), f/k/a U S WEST Communications, Inc.

- 2 On April 6, 1998, US WEST New Vector Group, Inc., (New Vector), merged with and into AirTouch Communications, Inc., (AirTouch), with AirTouch being the surviving entity. New Vector marketed their products and services under the brand name AirTouch Cellular. Cellco has represented themselves as the successor-in-interest to the interconnection agreement between Qwest and New Vector, d/b/a AirTouch Cellular.

- 3 The Commission approved a Type 2 wireless interconnection agreement between Qwest and New Vector on August 27, 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. Cellco and Qwest filed a joint request for approval of a first amendment on January 4, 2002.

MEMORANDUM

- 4 The Amended Agreement between Cellco and Qwest was brought before the Commission at its regularly scheduled open meeting held on March 27, 2002, 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

- 5 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.
- 6 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:
- 7 (i) the agreement (or any portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
 - 8 (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.
- 9 Qwest is engaged in the business of furnishing telecommunications services, including, but not limited to, basic local exchange service within the state of Washington.
- 10 Cellco is licensed by the Federal Communications Commission as a commercial mobile radio service provider.
- 11 The Commission approved a Type 2 wireless interconnection agreement between New Vector and Qwest on August 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.
- 12 On January 4, 2002, Qwest and Cellco, as successor-in-interest to New Vector's interconnection agreement, filed with the Commission a joint request for approval of a first amendment to the previously approved interconnection agreement, pursuant to the Telecom Act.
- 13 Cellco and Qwest voluntarily negotiated the entire amendment.
- 14 The Amended Agreement does not discriminate against any other telecommunications carrier.
- 15 The Amended Agreement will facilitate local exchange competition in the state of Washington.

CONCLUSIONS OF LAW

- 16 The Commission has jurisdiction over the subject matter and all parties to this proceeding.
- 17 The Amended Agreement is consistent with the public interest, convenience, and necessity.
- 18 The Amended Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 19 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.

ORDER**THE COMMISSION ORDERS:**

- 20 The Amended Agreement between Qwest Corporation, f/k/a U S WEST Communications, Inc., and Cellco Partnership, d/b/a Verizon Wireless as successor-in-interest to the interconnection agreement of U S WEST New Vector Group, Inc., d/b/a AirTouch Cellular, which the parties filed on January 4, 2002, is approved and effective as of the date of this order.
- 21 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.
- 22 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 27th day of March, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner