

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Request for)	
Approval of Negotiated Agreement)	DOCKET NO. UT-013086
Under the Telecommunications Act)	
of 1996 Between)	ORDER APPROVING
)	NEGOTIATED SECOND
TEL WEST COMMUNICATIONS,)	AMENDED AGREEMENT
LLC)	ADDING PROVISIONS FOR THE
)	HANDLING OF BILLING
and)	DISPUTES
)	
QWEST CORPORATION)	
.....)	

I. 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 Tel West Communications, LLC (Tel West), and Qwest Corporation (Qwest). The Commission approved an interconnection agreement between the parties on October 31, 2001, and a first amended agreement on June 14, 2002. 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 November 25, 2002. The proposed second amendment is attached to this Order as Appendix A.

II. MEMORANDUM

2 The Amended Agreement between Tel West and Qwest is reviewed by the Commission as part of a proposed settlement between the parties in Docket No. UT-013097. The Commission grants its approval of the Amended Agreement as negotiated and requested by the parties.

III. FINDINGS OF FACT

- 3 (1) 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.
- 4 (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:
 - (i) the agreement (or any portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
 - (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.
- 5 (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.
- 6 (4) Tel West is authorized to provide telecommunications services to the public in the state of Washington.
- 7 (5) The Commission approved an interconnection agreement between the parties on October 31, 2001, and a first amended agreement on June 14, 2002. 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.
- 8 (6) On November 25, 2002, the parties filed with the Commission a joint request for approval of a second amendment to the previously approved interconnection agreement, pursuant to the Telecom Act.
- 9 (7) Tel West and Qwest voluntarily negotiated the entire amendment.

- 10 (8) The Amended Agreement does not discriminate against any other telecommunications carrier.
- 11 (9) The Amended Agreement will facilitate local exchange competition in the state of Washington by enabling Tel West to expand its presence in the local exchange market and increase customer choices for local exchange services.

IV. CONCLUSIONS OF LAW

- 12 (1) The Commission has jurisdiction over the subject matter and all parties to this proceeding.
- 13 (2) The Amended Agreement is consistent with the public interest, convenience, and necessity.
- 14 (3) The Amended Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 15 (4) 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.

V. ORDER

THE COMMISSION ORDERS:

- 16 (1) The Amended Agreement between Tel West Communications, LLC, and Qwest Corporation, which the parties filed on November 25, 2002, is approved and effective as of the date of this order.
- 17 (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.

- 18 (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.

DATED at Olympia, Washington, and effective this ___ day of December, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner

NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-09-810, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-09-820(1).