

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

In the Matter of the Request of	)	DOCKET NO. UT-990323
	)	
LEVEL 3 COMMUNICATIONS LLC	)	ORDER NO. 03
	)	
and	)	
	)	ORDER APPROVING
VERIZON NORTHWEST	)	NEGOTIATED THIRD
INCORPORATED	)	AMENDED AGREEMENT
	)	CHANGING PROVISIONS FOR
For Approval of Negotiated	)	INTERCARRIER
Agreement Under the	)	COMPENSATION AND ADDING
Telecommunications Act of 1996	)	VOIP
.....	)	

**BACKGROUND**

- 1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated third amended agreement (Amended Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Amended Agreement is between Level 3 Communications LLC (Level 3) and Verizon Northwest Incorporated (Verizon).
  
- 2 On April 16, 1999, the parties filed a joint request that Level 3 receive all arrangements provided in an interconnection agreement previously approved by the Commission between AT&T Communications of the Pacific Northwest, Inc., and Verizon in Docket UT-960307. The Commission accepted this request on May 12, 1999, and approved a first amendment on September 25, 2002. There was no second amendment approved. On April 12, 2000, in Docket UT-990355 – Interpretive and Policy Statement regarding Section 252 (i) of the Telecom Act – the Commission concluded that amendments to original adopted agreements would be deemed new agreements under the Telecom Act and must be submitted to the Commission for approval. The parties filed a joint request for approval of a third amendment on November 2, 2004.

## FINDINGS AND CONCLUSIONS

- 3 (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.*
- 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:
- 5 (i) the agreement (or any portion thereof) discriminates against a  
telecommunications carrier not a party to the agreement; or
- 6 (ii) the implementation of such agreement or portion is not consistent  
with the public interest, convenience, and necessity.
- 7 (3) Verizon is engaged in the business of furnishing telecommunications  
services including, but not limited to, basic local exchange service within  
the state of Washington.
- 8 (4) Level 3 is authorized to provide telecommunications services to the public  
in the state of Washington.
- 9 (5) On April 16, 1999, the parties filed with the Commission a joint request  
that Level 3 receive all arrangements provided in an interconnection  
agreement previously approved by the Commission between AT&T  
Communications of the Pacific Northwest, Inc. and Verizon in Docket  
UT-960307. The Commission accepted this request on May 12, 1999, and  
approved a first amendment on September 25, 2002. There was no second

amendment approved. On April 12, 2000, in Docket UT-990355 – Interpretive and Policy Statement regarding Section 252(i) of the Telecom Act – the Commission concluded that amendments to original adopted agreements would be deemed new agreements under the Telecom Act and must be submitted to the Commission for approval.

- 10 (6) On November 2, 2004, the parties filed with the Commission a joint request for approval of a third amendment to the previously approved interconnection agreement, pursuant to the Telecom Act.
- 11 (7) Level 3 and Verizon voluntarily negotiated the entire amendment.
- 12 (8) The Amended Agreement between Level 3 and Verizon was brought before the Commission at its regularly scheduled meeting on January 26, 2005.
- 13 (9) The Amended Agreement does not discriminate against any other telecommunications carrier.
- 14 (10) The Amended Agreement will facilitate local exchange competition in the state of Washington.
- 15 (11) The Amended Agreement is consistent with the public interest, convenience, and necessity.
- 16 (12) The Amended Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 17 (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.

- 18 (15) After examination of the proposed Amended Agreement filed by Verizon and Level 3 on November 2, 2004, and giving consideration to all relevant matters, the Commission finds the proposed Amended Agreement should be approved.

## ORDER

### THE COMMISSION ORDERS:

- 19 (1) The Amended Agreement between Level 3 Communications LLC, and Verizon Northwest Incorporated, which the parties filed on November 2, 2004, is approved and effective as of the date of this Order.
- 20 (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.
- 21 (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 26<sup>th</sup> day of January, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary