

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of the Request for)	
Approval of Negotiated Agreement)	
Under the Telecommunications Act of)	DOCKET NO. UT-013095
1996 Between)	
)	
NOW COMMUNICATIONS, INC.)	ORDER APPROVING NEGOTIATED
)	AGREEMENT FOR THE RESALE
and)	OF SERVICES
)	
VERIZON NORTHWEST INC.)	
.....)	

BACKGROUND

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated agreement for the resale of specified exchange services (Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Agreement is between NOW Communications, Inc. (NOW), and Verizon Northwest Inc. (Verizon). The parties filed a joint request for approval of the Agreement on October 25, 2001.

MEMORANDUM

2 The Agreement between NOW and Verizon was brought before the Commission at its regularly scheduled open meeting held on January 9, 2002, at its offices in Olympia, Washington. The Commission granted its approval of the Agreement as negotiated and requested by the parties.

FINDINGS OF FACT

3 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 transfers of public service companies, including telecommunications companies.

4 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 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 NOW is not currently authorized to provide telecommunications services in the state
of Washington.

9 On October 25, 2001, the parties filed with the Commission a joint request for
approval of a negotiated resale of services agreement pursuant to the Telecom Act.

10 NOW and Verizon voluntarily negotiated the entire Agreement.

11 The Agreement does not discriminate against any other telecommunications carrier.

12 The Agreement will facilitate local exchange competition in the state of Washington
by enabling NOW to enter the local exchange market and increase customer choices
for local exchange services.

CONCLUSIONS OF LAW

13 The Commission has jurisdiction over the subject matter and all parties to this
proceeding.

14 The Agreement is consistent with the public interest, convenience, and necessity.

15 The Agreement meets the requirements of Sections 251 and 252 of the Telecom Act,
including Section 252(e).

16 Approval of the Agreement does not in any way waive NOW's requirement to
become a registered telecommunications service provider in the state of Washington.

17 The laws and regulations of the State of Washington and Commission orders govern
the construction and interpretation of the Agreement. The Agreement is subject to the
jurisdiction of the Commission and the Washington courts.

ORDER

THE COMMISSION ORDERS:

- 18 The Agreement for resale of services between NOW Communications, Inc., and Verizon Northwest Inc., which the parties filed on October 25, 2001, is approved.
- 19 In the event that the parties revise, modify, or amend the agreement approved herein, 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.
- 20 The laws and regulations of the State of Washington and Commission orders govern the construction and interpretation of the Agreement. The Agreement is subject to the jurisdiction of the Commission and the Washington courts.

DATED at Olympia, Washington, and effective this 9th day of January, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner