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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Request For Approval of )

an Agreement to Adopt Arbitrated )

Interconnection Agreement under the ) DOCKET NO. UT-970360

Telecommunications Act of 1996 between )

)

MARATHON COMMUNICATIONS, INC. ) ORDER APPROVING ADOPTION

and ) OF ARBITRATED

U S WEST COMMUNICATIONS, INC. ) INTERCONNECTION AGREEMENT

)

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**Procedural History.** This matter comes before the Washington Utilities and Transportation Commission (“Commission”) for approval of adoption of an arbitrated Interconnection Agreement under the Telecommunications Act of 1996 between Marathon Communications, Inc. (“Marathon”), and U S West Communications (“U S West”). On October 13, 1997, the parties filed a joint request seeking approval to adopt the previously approved interconnection agreement between TCG Seattle, Inc. (“TCG”), and U S West in its entirety. The parties executed the Agreement on September 25, 1997.

On November 26, 1997, the Commission convened an open public meeting at its offices in Olympia, Washington, to consider the joint request for approval of the Agreement. During the open meeting, the Commission approved the Agreement as submitted.

**FINDINGS OF FACT**

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 transfers of public service companies, including telecommunications companies.

2. The Commission is authorized by Section 252(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (“Act”), to approve adopted agreements for network interconnection and service resale between telecommunications providers.

3. U S West is engaged in the business of furnishing telecommunications services, including, but not limited to, basic local exchange service within the state of Washington.

4. Marathon is authorized to provide intrastate and local exchange telecommunications services in the state of Washington.

5. On October 13, 1997, the parties filed with the Commission a joint request for approval of adoption of an arbitrated interconnection agreement for network interconnection and service resale pursuant to the Act.

6. The Agreement is an adoption of a previously approved interconnection agreement.

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

8. The Agreement will facilitate local exchange competition in the state of Washington by enabling Marathon to enter the local exchange market and provide customers with increased choices among local exchange services.

**CONCLUSIONS OF LAW**

1. The Commission has jurisdiction over the subject matter and all parties.

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

3. The Agreement meets the criteria of Sections 251 and 252 of the Act, including including Section 252(e).

4. The laws of Washington shall govern the construction and interpretation of the Agreement. The Agreement shall also be subject to the present and future decisions of the Commission and the Washington courts.

**O R D E R**

THE COMMISSION ORDERS:

1. The Agreement for network interconnection and service resale between Marathon Communications, Inc., and U S West Communications, Inc., filed on October 13, 1997, is approved.

2. The laws of Washington shall govern the construction and interpretation of the Agreement. The Agreement shall also be subject to the present and future decisions of the Commission and the Washington courts.

DATED at Olympia, Washington, and effective this 26th day of November, 1997.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANNE LEVINSON, Chair

WILLIAM R. GILLIS, Commissioner