

SERVICE DATE
DEC 23 1998

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Request For Approval of)	
Negotiated Agreement Under the)	
Telecommunications Act of 1996)	DOCKET UT-980386
Between)	
)	
NET-tel CORPORATION)	
)	
and)	ORDER APPROVING
)	FULLY NEGOTIATED
)	INTERCONNECTION AGREEMENT
U S WEST COMMUNICATIONS, INC.)	FOR SERVICE RESALE
.....)	

BACKGROUND

This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a fully negotiated agreement for service resale under the Telecommunications Act of 1996. The agreement is between NET-tel Corporation (NET-tel), and U S WEST Communications, Inc. (U S WEST). On November 4, 1998, the parties filed a joint request seeking approval of a fully negotiated agreement for service resale (Agreement). The parties executed the Agreement on October 23, 1998.

On December 23, 1998, the Commission convened an open public meeting at its offices in Olympia, Washington, to consider the joint request for approval of the Agreement. At 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. Section 252(e) of the Telecommunications Act of 1996 (Act), requires parties to fully negotiated agreements 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 inconsistent with the public interest, convenience, and necessity.

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. NET-tel is authorized to provide intrastate and local exchange telecommunications services in the state of Washington.

5. On November 4, 1998, the parties filed with the Commission a joint request for approval of a fully negotiated interconnection agreement for service resale pursuant to the Act.

6. The parties voluntarily negotiated the entire 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 NET-tel 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 Section 252(e).

4. The laws, regulations, and Commission Orders of Washington shall govern the construction and interpretation of the Agreement. The Agreement shall also

be subject to the jurisdiction of the Commission and the Washington courts.

ORDER

THE COMMISSION ORDERS:

1. The Agreement for service resale between NET-tel Corporation, and U S WEST Communications, Inc., filed on November 4, 1998, is approved.

2. In the event that the parties revise, modify or amend the agreement approved herein, the revised, modified, or amended agreement shall be deemed to be a new negotiated agreement under the Telecommunications Act and shall 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.

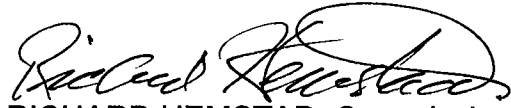
3. The laws, regulations, and Commission Orders of Washington shall govern the construction and interpretation of the Agreement. The Agreement shall also be subject to the jurisdiction of the Commission and the Washington courts.

DATED at Olympia, Washington, and effective this 23rd day of December, 1998.

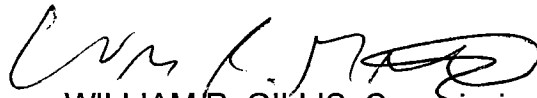
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



ANNE LEVINSON, Chair



RICHARD HEMSTAD, Commissioner



WILLIAM R. GILLIS, Commissioner