

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

In the Matter of the Request of)	DOCKET NO. UT-053001
)	
NEUTRAL TANDEM, INC.)	ORDER NO. 01
)	
and)	
)	
QWEST CORPORATION)	
)	ORDER APPROVING
For Approval of Negotiated)	NEGOTIATED AGREEMENT FOR
Agreement Under the)	INTERCONNECTION AND
Telecommunications Act of 1996)	RESALE OF SERVICES
.....)	

BACKGROUND

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated agreement for interconnection and the resale of specified exchange services (Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Agreement is between Neutral Tandem, Inc. (NTI) and Qwest Corporation (Qwest). The parties filed a joint request for approval of the Agreement on January 3, 2005.

FINDINGS AND CONCLUSIONS

- 2 (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.*
- 3 (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:

- 4 (i) the agreement (or any portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- 5 (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.
- 6 (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.
- 7 (4) NTI is not currently authorized to provide telecommunications services in the state of Washington.
- 8 (5) On January 3, 2005, the parties filed with the Commission a joint request for approval of a negotiated resale of services agreement, pursuant to the Telecom Act.
- 9 (6) NTI and Qwest voluntarily negotiated the entire Agreement.
- 10 (7) The Agreement between NTI and Qwest was brought before the Commission at its regularly scheduled meeting on January 26, 2005.
- 11 (8) The Agreement does not discriminate against any other telecommunications carrier.
- 12 (9) The Agreement will facilitate local exchange competition in the state of Washington.

- 13 (10) The Agreement is consistent with the public interest, convenience, and necessity.
- 14 (11) The Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 15 (12) Approval of the Agreement does not in any way waive NTI's requirement to become a registered telecommunications services provider in the state of Washington.
- 16 (13) 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.
- 17 (14) After examination of the proposed Agreement filed by Qwest and NTI on January 3, 2005 and giving consideration to all relevant matters, the Commission finds the proposed Agreement should be approved.

ORDER

THE COMMISSION ORDERS:

- 18 (1) The Agreement for interconnection and resale of services between Neutral Tandem, Inc. and Qwest Corporation, which the parties filed on January 3, 2005, is approved.
- 19 (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.

- 20 (3) 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.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective this 26th day of January, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary