

JT-960356

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WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



Kristine B. Macneal
Contract Administrator

Contract Development & Services

Law Department

October 13 1999

Via Airborne Express

Ms. Carole J. Washburn, Secretary
Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Dr. S.W.
P.O. Box 47250
Olympia, WA 98504-7254

RE: Negotiated First Amendment to the Interconnection Agreement, between NEXTLINK Washington, Inc. and U S WEST Communications, Inc.

Dear Ms. Washburn:

Pursuant to Administrative Law Judge Larry Berg's request, the enclosed Amendment has been revised and resubmitted. U S WEST and NEXTLINK negotiated this Amendment for interconnection under the terms of the Telecommunications Act of 1996. Also enclosed is the Request for Approval of First Amendment to the Interconnection Agreement.

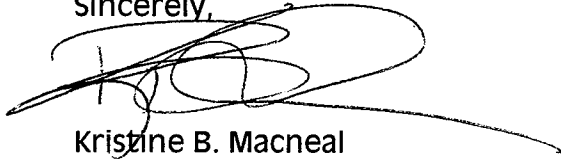
The parties respectfully request that this matter be placed on the next Consent Agenda for expedited approval.

The Order on Arbitration Procedure also requests that a proposed order accompany the filing. U S WEST requests a waiver of that requirement, and is not providing one with this filing, as the Commission has, in the past, used its own format for Orders. If this is not satisfactory to the Commission please contact me and I will forward a proposed order immediately.



I have enclosed an extra copy of the Pleading and a return envelope so that you may file stamp and return same to this office upon its receipt. If you have any questions or need any further information, please do not hesitate to contact me at (303) 793-6605. I thank you in advance for your cooperation in this matter.

Sincerely,



Kristine B. Macneal

Enclosures


cc: Rex Knowles (w/enc.)
Elizabeth Weber (w/enc.)
Director-Interconnection Compliance (w/enc.)

Except as otherwise amended pursuant to this Amendment, the Agreement remains unmodified and in full force and effect.

NEXTLINK Washington L.L.C.

U S WEST Communications, Inc


Signature


Signature

R. Gerard Salemme
Name Printed or Typed

Katherine L. Fleming
Name Printed or Typed

Senior Vice President
Title

Vice President – Interconnection
Title

9.22.99
Date

9/23/99
Date

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FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Request for Approval of First)
Amendment to Interconnection Agreement) Docket No. UT-960356
Between NEXTLINK Washington, LLC and)
U S WEST Communications, Inc.) REQUEST FOR APPROVAL OF FIRST
AMENDMENT TO
INTERCONNECTION AGREEMENT

I. INTRODUCTION

Pursuant to Section III of the Interpretive and Policy Statement Regarding Negotiation, Mediation, Arbitration, and Approval of Agreements under the Telecommunications Act of 1996 ("Interpretive and Policy Statement") issued by this Commission in Docket No. UT-960269, U S WEST Communications, Inc. ("U S WEST ") and NEXTLINK Washington, LLC ("NEXTLINK") hereby submit for approval by the Washington Utilities and Transportation Commission ("Commission" or "WUTC") the attached First Amendment to Interconnection Agreement dated September 23, 1999 (the "Amendment"). This amendment supplements the original interconnection agreement between NEXTLINK and U S WEST which was approved by

1 the Commission on April 30, 1997 in Docket No. UT-960356. This amendment modifies
2 Section XVIII, regarding requested negotiation timeframes.

3 The original Agreement set forth terms, conditions and prices under which U S WEST
4 agreed to provide services for resale and certain Unbundled Network Elements, Ancillary
5 Functions and additional features in each LATA in which both U S WEST and NEXTLINK
6 operate within the state of Washington. The Agreement also had terms, conditions and prices
7 under which the parties agreed to provide interconnection and reciprocal compensation for the
8 exchange of local traffic for the purpose of offering telecommunications services. The
9 Agreement stated that the pricing for these services is subject to the outcome of the
10 Commission's determination in the Generic Pricing Docket, UT-960369, et al.

11 This Amendment was reached through voluntary negotiations between representatives of
12 both companies. It is submitted for approval pursuant to Section 252(e) of the Communications
13 Act of 1934, as amended by the Telecommunications Act of 1996 (the "Act") and the
14 requirements of the Commission's Interpretive and Policy Statement.

15 II. REASONS FOR APPROVAL

16 Section 252(e)(2) of the Act directs that a state commission may reject an Agreement
17 reached through negotiation and/or arbitration only if the Commission finds that:

- 18 1) The Agreement (or portions thereof) discriminates against a
19 telecommunications carrier not a party to the Agreement; or
- 20 2) The implementation of such Agreement or portion is not consistent with the
21 public interest, convenience and necessity.

22 U S WEST and NEXTLINK respectfully submit that the Amendment provides no basis
23 for either of these findings and thus request that the Commission approve the Amendment

24 REQUEST FOR APPROVAL
OF FIRST AMENDMENT

1 expeditiously. First, the Amendment does not discriminate against any other
2 telecommunications carrier. There is no finding that the terms of this Amendment are more
3 favorable than terms provided to other carriers.

4 Second, the Amendment is consistent with the public interest as identified in the pro-
5 competitive policies of the state of Washington, the WUTC, the U.S. Congress and the Federal
6 Communications Commission. In addition, because this Amendment does not discriminate
7 against any other telecommunications carrier, state law policies prohibiting unreasonable
8 discrimination are preserved by approval of this Amendment.

9 For the foregoing reasons, U S WEST and NEXTLINK submit that approval of this
10 Amendment is warranted because it satisfies the state and federal criteria for approval.

11 **III. UNDERSTANDING AND AGREEMENT OF PARTIES**

12 With respect to the Amendment, the Parties understand and agree that this Amendment
13 modifies sections of the original agreement regarding requested negotiation timeframes.

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IV. CONCLUSION

For the foregoing reasons, U S WEST and NEXTLINK respectfully request expeditious approval of the Amendment. Both Parties request approval earlier than the 90 day time period allowed for by the Interpretive and Policy Statement, in order to facilitate the immediate availability of additional local exchange competition between U S WEST and NEXTLINK.

Respectfully submitted this 12th day of October, 1999.

U S WEST Communications, Inc,



Lisa A. Anderl, WSBA No. 13236
Attorney for U S WEST Communications, Inc.
1600 - 7th Avenue, Room 3206
Seattle, WA 98191
(206) 345-1574

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**FIRST AMENDMENT TO INTERCONNECTION AGREEMENT
FOR THE STATE OF WASHINGTON**

This First Amendment dated June 21, 1999 to Interconnection Agreement for the State of Washington entered into between U S WEST Communications, Inc. ("USWC") and NEXTLINK Washington, L.L.C. ("NEXTLINK").

Recitals

USWC and NEXTLINK have entered into the Interconnection Agreement as approved by the Washington Utilities and Transportation Commission on April 30, 1997 (the "Agreement").

Amendment

Now therefore, the Parties agree to amend the Agreement by making the following changes:

1. Section XVIII shall be deleted and replaced with the following:

"This Agreement shall become effective upon Commission approval, pursuant to Sections 251 and 252 of the Act, shall terminate on August 15, 2000, or unless otherwise agreed to by the Parties, and shall be binding upon the Parties during that term, notwithstanding Section 252(i) of the Act. NEXTLINK will be deemed to have requested negotiations on a new agreement no later than 160 calendar days prior to the termination date specified above; provided that NEXTLINK, consistent with Section 252(i) of the Act, may opt into a then-existing, valid interconnection agreement, in its entirety, at the conclusion of the term of this Agreement. In the event that, on or before July 21, 2000, either, i) negotiations have not been concluded and a new agreement has not been approved by the Commission or ii) NEXTLINK has not adopted and had approved by the Commission, a then-existing, valid interconnection agreement with USWC, then the window of opportunity to file for arbitration to resolve outstanding contractual issues in accordance with the Act, will open on July 21, 2000, and will close August 15, 2000, or as otherwise prescribed by the Act or as otherwise agreed to by the Parties. In the event either Party files for arbitration in accordance with the Act, this Agreement shall remain in effect until such time as the arbitration has been resolved and a new agreement between the Parties has been approved by the Commission."



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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

330 South Valley View Boulevard
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Eric S. Heath, Attorney
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Facsimile: (702) 244-7378

August 17, 1999

Carole J. Washburn, Executive Secretary
Washington Utilities & Transportation Commission
1300 South Evergreen Park Drive, Southwest
Olympia, WA 98504

RE: Substitution of Counsel – Sprint Communications Company, L.P. and
Sprint PCS

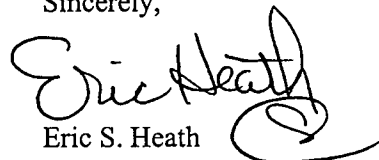
Dear Ms. Washburn:

Effective immediately, please substitute Eric S. Heath for Andrew M. Jones as counsel for Sprint Communications Company, L.P. and Sprint PCS on all service lists and any other notices or other official correspondence involving Sprint, including the following:

- UT-971835
- UT-990582
- UT-970146
- UT-990356 *por*
- UT-990355
- UT-990261
- UT-981367
- UT-980311(a)
- UT-960369-70-71

Should you need any additional information, please feel free to call.

Sincerely,


Eric S. Heath

Cc: All parties listed on Service Lists

*COPY to AG
RMS/por*

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