



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)     Marathon is authorized to provide telecommunications services to the  
public in the state of Washington.
- 8       (5)     The Commission approved an interconnection agreement between the  
parties on November 26, 1997, and a first amendment on November 27,  
2002. The Commission ordered that in the event the parties amended their  
agreement, the amended agreement would be deemed a new agreement  
under the Telecom Act and must be submitted to the Commission for  
approval.
- 9       (6)     On March 29, 2004, the parties filed with the Commission a joint request  
for approval of a first amendment to the previously approved  
interconnection agreement, pursuant to the Telecom Act.

- 10 (7) Qwest and Marathon voluntarily negotiated the Amended Agreement in its entirety.
- 11 (8) The Amended Agreement between Marathon and Qwest was brought before the Commission at its regularly scheduled meeting on May 12, 2004.
- 12 (9) The Amended Agreement does not discriminate against any other telecommunications carrier.
- 13 (10) The Amended Agreement will facilitate local exchange competition in the state of Washington by enabling Marathon to expand its presence in the local exchange market and increase customer choices for local exchange services.
- 14 (11) The Amended Agreement is consistent with the public interest, convenience, and necessity.
- 15 (12) The Amended Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 16 (13) The laws and regulations of the State of Washington and Commission orders govern the construction and interpretation of the Amended Agreement. The Amended Agreement is subject to the jurisdiction of the Commission.
- 17 (14) After examination of the proposed Amended Agreement filed by Qwest and Marathon on March 29, 2004, and giving consideration to all relevant matters, the Commission finds the proposed Amended Agreement should be approved.

**ORDER**

## THE COMMISSION ORDERS:

- 18 (1) The Amended Agreement between Marathon Communications, Inc., and Qwest Corporation, which the parties filed on March 29, 2004, is approved and effective as of the date of this Order.
- 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 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 (3) The laws and regulations of the State of Washington and Commission orders govern the construction and interpretation of the Amended Agreement. The Amended 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 12<sup>th</sup> day of May, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary