

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

In the Matter of the Request of	)	DOCKET NO. UT-990352
	)	
HIGHSPEED.COM OF	)	
WASHINGTON, L.L.C.	)	
	)	
and	)	
	)	ORDER APPROVING
QWEST CORPORATION	)	NEGOTIATED SIXTH AMENDED
	)	AGREEMENT ADDING
For Approval of Negotiated	)	PROVISIONS FOR
Agreement Under the	)	COLLOCATION TRANSFER OF
Telecommunications Act of 1996	)	RESPONSIBILITY
.....	)	

**BACKGROUND**

- 1     This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated sixth amended agreement (Amended Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Amended Agreement is between Highspeed.com of Washington, L.L.C. (Highspeed.com), and Qwest Corporation (Qwest). The Commission approved an interconnection agreement between the parties on June 23, 1999, the first and second amendments on August 11, 1999, a third amended agreement on December 8, 1999, a fourth amended agreement on April 26, 2001, and a fifth amended agreement on May 9, 2001. 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. The parties filed a joint request for approval of a sixth and final amendment on December 31, 2003.
- 2     On March 14, 2003, in Docket UT-021600, Highspeed.com’s registration to provide telecommunications services in the state of Washington was revoked for failure to file their annual report or pay their regulatory fees.

3 OneEighty Networks, Inc., (OneEighty), is a registered telecommunications  
service provider in the state of Washington. OneEighty acquired Highspeed.com  
on October 1, 2003. OneEighty is interested in assuming Highspeed.com's  
collocation space. Highspeed.com is required to file an amendment to their  
interconnection agreement adding collocation transfer responsibility in order for  
Highspeed.com to vacate their collocation space, and for OneEighty to assume it.  
OneEighty filed a letter with the Commission on January 26, 2004, verifying that  
such an amendment is necessary for OneEighty to continue serving  
Highspeed.com's customers.

### FINDINGS AND CONCLUSIONS

- 4 (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.*
- 5 (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:
- 6 (i) the agreement (or any portion thereof) discriminates against a  
telecommunications carrier not a party to the agreement; or
- 7 (ii) the implementation of such agreement or portion is not consistent  
with the public interest, convenience, and necessity.
- 8 (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.

- 9 (4) Highspeed.com is no longer authorized to provide telecommunications services to the public in the state of Washington. However, Highspeed.com has been acquired by OneEighty.
- 10 (5) OneEighty is authorized to provide telecommunications services to the public in the state of Washington.
- 11 (6) The Commission approved an interconnection agreement between the parties on June 23, 1999, the first and second amendments on August 11, 1999, a third amended agreement on December 8, 1999, a fourth amended agreement on April 26, 2001, and a fifth amended agreement on May 9, 2001. 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.
- 12 (7) On December 31, 2003, the parties filed with the Commission a joint request for approval of a sixth and final amendment to the previously approved interconnection agreement, pursuant to the Telecom Act.
- 13 (8) The Amended Agreement between Highspeed.com and Qwest was brought before the Commission at its regularly scheduled meeting on January 28, 2004.
- 14 (9) Highspeed.com and Qwest voluntarily negotiated the entire amendment.
- 15 (10) The Amended Agreement does not discriminate against any other telecommunications carrier.

- 16 (11) The Amended Agreement will facilitate local exchange competition in the  
state of Washington by enabling OneEighty to utilize Highspeed.com's  
collocation space to continue services.
- 17 (12) The Amended Agreement is consistent with the public interest,  
convenience, and necessity.
- 18 (13) The Amended Agreement meets the requirements of Sections 251 and 252  
of the Telecom Act, including Section 252(e).
- 19 (14) 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.
- 20 (15) After examination of the proposed Amended Agreement filed by Qwest  
and Highspeed.com on December 31, 2003, and giving consideration to all  
relevant matters, the Commission finds the proposed Amended  
Agreement should be approved.

## ORDER

### THE COMMISSION ORDERS:

- 21 (1) The Amended Agreement between Highspeed.com of Washington, L.L.C.  
and Qwest Corporation, which the parties filed on December 31, 2003, is  
approved and effective as of the date of this Order.
- 22 (2) Because of the revocation of Highspeed.com of Washington, L.L.C.'s  
registration, after approval of this Amended Agreement, Docket

UT-990352 will be considered closed, and no further amendments will be accepted for consideration.

- 23 (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 28th day of January, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary