

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

In the Matter of the Request of	)	DOCKET NO. UT-003132
	)	
LOOKING GLASS NETWORKS,	)	
INC.,	)	
	)	
and	)	
	)	
QWEST CORPORATION	)	ORDER APPROVING
	)	NEGOTIATED THIRD AMENDED
For Approval of Negotiated	)	AGREEMENT ADDING
Agreement Under the	)	PROVISIONS FOR DC POWER
Telecommunications Act of 1996	)	REDUCTION PROCEDURE
.....		

**BACKGROUND**

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated third amended agreement (Amended Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Amended Agreement is between Looking Glass Networks, Inc. (Looking Glass) and Qwest Corporation (Qwest). On December 11, 2000, the parties filed a joint request that Looking Glass receive all arrangements provided in an interconnection agreement previously approved by the Commission between Metromedia Fiber Network Services, Inc. (Metromedia) and Qwest in Docket UT-993010. The Commission accepted that request on December 27, 2000. On March 13, 2002, the Commission approved a first amended agreement, and on November 27, 2002, the Commission approved a second amended agreement. 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 third amendment on February 3, 2003.

## 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) Looking Glass is authorized to provide telecommunications services to the  
public in the state of Washington.
- 8 (5) On December 11, 2000, the parties filed a joint request that Looking Glass  
receive all arrangements provided in an interconnection agreement  
previously approved by the Commission between Metromedia and Qwest  
in Docket UT-993010. The Commission accepted that request on  
December 27, 2000. On March 13, 2002, the Commission approved a first  
amended agreement, and on November 27, 2002, the Commission

approved a second amended agreement. 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 February 3, 2003, the parties filed with the Commission a joint request for approval of a third amendment to the previously approved interconnection agreement, pursuant to the Telecom Act.
- 10 (7) The Amended Agreement between Looking Glass and Qwest was brought before the Commission at its regularly scheduled meeting on February 28, 2003.
- 11 (8) Looking Glass and Qwest voluntarily negotiated the entire amendment.
- 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.
- 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 Looking Glass and Qwest on February 3, 2003, and giving consideration to all relevant matters, the Commission finds the proposed Amended Agreement should be approved.

## O R D E R

### THE COMMISSION ORDERS:

- 18 (1) The Amended Agreement between Looking Glass Networks, Inc., and Qwest Corporation, which the parties filed on February 3, 2003, 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 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.

DATED at Olympia, Washington, and effective this 28<sup>th</sup> day of February, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner