

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

|                                 |   |                      |
|---------------------------------|---|----------------------|
| In the Matter of the Request of | ) | DOCKET NO. UT-043104 |
|                                 | ) |                      |
| SC TXLINK, LLC                  | ) | ORDER NO. 01         |
|                                 | ) |                      |
| and                             | ) |                      |
|                                 | ) | ORDER APPROVING      |
| QWEST CORPORATION               | ) | NEGOTIATED AGREEMENT |
|                                 | ) | FOR INTERCONNECTION  |
| For Approval of Negotiated      | ) | AND RESALE OF        |
| Agreement Under the             | ) | TELECOMMUNICATION    |
| Telecommunications Act of 1996  | ) | SERVICES             |
| .....                           | ) |                      |

**BACKGROUND**

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated agreement for interconnection of specified exchange services (Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Agreement is between SC TxLink, LLC (TxLink), and Qwest Corporation (Qwest). The parties filed a joint request for approval of the Agreement on October 27, 2004.

**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) 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 (4) 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 (5) TxLink is authorized to provide telecommunications services to the public  
in the state of Washington.
- 8 (6) On October 27, 2004, the parties filed with the Commission a joint request  
for approval of a negotiated interconnection, pursuant to the Telecom Act.
- 9 (7) TxLink and Qwest voluntarily negotiated the entire Agreement.
- 10 (8) The Agreement between TxLink and Qwest was brought before the  
Commission at its regularly scheduled meeting on November 24, 2004.
- 11 (9) The Agreement does not discriminate against any other  
telecommunications carrier.
- 12 (10) The Agreement will facilitate local exchange competition in the state of  
Washington.
- 13 (11) The Agreement is consistent with the public interest, convenience, and  
necessity.

- 14 (12) The Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 15 (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.
- 16 (14) After examination of the proposed Agreement filed by Qwest and TxLink on October 27, 2004, and giving consideration to all relevant matters, the Commission finds the proposed Agreement should be approved.

## ORDER

### THE COMMISSION ORDERS:

- 17 (1) The Agreement for interconnection of services between SC TxLink, LLC and Qwest Corporation, which the parties filed on October 27, 2004, is approved and effective.
- 18 (2) In the event that the parties revise, modify, or amend the agreement approved herein, 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.
- 19 (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 24th day of November, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary