

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

In the Matter of the Request For Approval of	)	
Negotiated Agreement Under the	)	
Telecommunications Act of 1996 Between	)	DOCKET NO. UT-023041
	)	
EXCEL TELECOMMUNICATIONS, INC.,	)	
	)	ORDER APPROVING
and	)	NEGOTIATED AGREEMENT
	)	FOR INTERCONNECTION
QWEST CORPORATION	)	AND RESALE OF SERVICES
.....	)	

**BACKGROUND**

*1* This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated agreement for interconnection and the resale of specified exchange services (Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Agreement is between Excel Telecommunications, Inc., (Excel), and Qwest Corporation (Qwest). The parties filed a joint request for approval of the Agreement on July 17, 2002.

**MEMORANDUM**

*2* The Agreement between Excel and Qwest was brought before the Commission at its regularly scheduled open meeting held on August 14, 2002, at its offices in Olympia, Washington. The Commission granted its approval of the Agreement as negotiated and requested by the parties.

**FINDINGS OF FACT**

*3* The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, securities, and transfers of public service companies, including telecommunications companies.

*4* 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:

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

7 Qwest is engaged in the business of furnishing telecommunications services, including, but  
not limited to, basic local exchange service within the state of Washington.

8 Excel is authorized to provide telecommunications services to the public in the state of  
Washington.

9 On July 17, 2002, the parties filed with the Commission a joint request for approval of a  
negotiated interconnection and resale of services agreement pursuant to the Telecom Act.

10 Excel and Qwest voluntarily negotiated the entire Agreement.

11 The Agreement does not discriminate against any other telecommunications carrier.

12 The Agreement will facilitate local exchange competition in the state of Washington by  
enabling Excel to enter the local exchange market and increase customer choices for local  
exchange services.

### CONCLUSIONS OF LAW

13 The Commission has jurisdiction over the subject matter and all parties to this proceeding.

14 The Agreement is consistent with the public interest, convenience, and necessity.

15 The Agreement meets the requirements of Sections 251 and 252 of the Telecom Act,  
including Section 252(e).

16 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.

**O R D E R**

THE COMMISSION ORDERS:

- 17 The Agreement for interconnection and resale of services between Excel Telecommunications, Inc., and Qwest Corporation, which the parties filed on July 17, 2002, is approved and effective as of the date of this order.
- 18 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 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.
- 19 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.

DATED at Olympia, Washington, and effective this 14<sup>th</sup> day of August, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner