

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

In the Matter of the Petition for)	DOCKET UT-093035
Arbitration of an Interconnection)	
Agreement Between)	
)	ORDER 11
NORTH COUNTY)	
COMMUNICATIONS)	
CORPORATION OF WASHINGTON)	ORDER APPROVING
)	INTERCONNECTION
and)	AGREEMENT
)	
QWEST CORPORATION)	
)	
Pursuant to 47 U.S.C. Section 252(b).)	
.....)	

1 **SYNOPSIS:** *The Commission approves the Interconnection Agreement between Qwest Corporation and North County Communications filed on November 15, 2010. This Interconnection Agreement supercedes the Agreement currently in place between the carriers and becomes effective as of the date of this order.*

2 **NATURE OF PROCEEDING.** Docket UT-093035 involves a petition by Qwest Corporation (Qwest) for arbitration and approval of a successor interconnection agreement (ICA) with North County Communications Corporation of Washington (North County) pursuant to 47 U.S.C. §252(b) of the Telecommunications Act of 1996 (Telecom Act or Act).¹

3 **APPEARANCES.** Anthony McNamer, McNamer and Company, Portland, Oregon, represents North County; Joseph G. Dicks and Christopher J. Reichman, Dicks & Workman, San Diego, California, also represent North County. Lisa A. Anderl, Associate General Counsel, Seattle, Washington, represents Qwest.

¹ Public Law 104-104, 110 Stat. 56, 47 U.S.C. § 101, *et seq.*

4 **PROCEDURAL HISTORY.** On August 3, 2009, Qwest filed a petition for arbitration to replace its existing ICA with North County. Qwest proposed new interconnection language to Section 7 of the ICA. North County contested the Commission's authority to arbitrate this dispute, but the Commission rejected these arguments. *Order 06 and Order 09*. The issues presented for resolution during the course of this arbitration were:

If North County continues to make use of multi-frequency (MF) signaling and does not choose to switch to SS7 signaling, should Qwest be permitted to limit network traffic to a one-way arrangement?

Should the Relative Use Factor (RUF) language in the ICA be modified to reflect North County's assertion that Qwest currently originates 100 percent of actual network traffic?

Qwest presented proposed language in support of its petition to modify the existing ICA. North County did not present any proposed language in support of its position.

5 The Commission held a hearing in this docket on July 13, 2010, before the Arbitrator, Administrative Law Judge Adam E. Torem. Each party presented witnesses for cross-examination: Renee Albersheim and Philip Linse testified for Qwest and Todd Lesser testified for North County.

6 The parties simultaneously filed post-hearing briefs on August 10, 2010.

7 In accordance with the parties' agreed deadline for entry of a decision,² the Washington Utilities and Transportation Commission (Commission) entered Order 10, *Arbitrator's Report and Decision*, in this docket on October 15, 2010. The Order, among other things, adopted the majority of Qwest's proposed contract language.

² In accordance with WAC 480-07-630(11)(b) and the date Qwest originally filed its petition, the deadline for the Arbitrator's Report and Decision would have been November 23, 2009. Further, under Section 252(b)(4)(C) of the Telecom Act, the deadline for the Arbitrator's Report and Decision would have been November 25, 2009. However, the parties attempt to negotiate a settlement continued until early 2010. At a prehearing conference conducted on March 8, 2010, the parties stipulated to a new decision date of September 15, 2010. *See* Order 05 ¶¶ 8-9. In late August 2010, in order to allow the Commission sufficient time to rule on North County's Petition for Interlocutory Review (Order 09), the parties agreed to extend this deadline to October 15, 2010. *See* Notice of Schedule Revision (August 31, 2010).

The Order required the parties to file a signed Interconnection Agreement within thirty days.

8 On November 15, 2010, Qwest filed a copy of the parties' signed Interconnection Agreement as specified in the Order.

9 **REVIEW AND APPROVAL OF INTERCONNECTION AGREEMENT.** The Commission has examined the filing and concluded that the parties' signed Interconnection Agreement complies with the terms of Order 10. Therefore, the Commission approves the Interconnection Agreement between Qwest and North County filed with the Commission on November 15, 2010. Pursuant to the terms of the Commission's Order 10 in this proceeding, the parties' Interconnection Agreement will become effective as filed on the date of this Order.

FINDINGS OF FACT

- 10 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, practices, and accounts of public service companies, including telecommunications companies. Federal law vests the Commission with the authority to arbitrate interconnection disputes between local exchange carriers.
- 11 (2) Qwest Corporation (Qwest) and North County Communications Corporation of Washington (North County) are "public service companies" and "telecommunications companies," as those terms are defined in RCW 80.04.010 and as those terms otherwise are used in Title 80 RCW. Qwest and North County are engaged in the state of Washington in the business of supplying telecommunications services for hire, sale, or resale to the general public for compensation.
- 12 (3) In compliance with Order 10, *Arbitrator's Report and Decision*, Qwest and North County have filed a signed Interconnection Agreement that contains the contract language approved by the Arbitrator.

CONCLUSIONS OF LAW

- 13 (1) The Washington Utilities and Transportation Commission has jurisdiction over the subject matter of, and parties to, these proceedings. *47 U.S.C. § 252(b); Title 80 RCW; and WAC 480-07-630.*
- 14 (2) The parties' filing of a signed Interconnection Agreement that complies with Order 10 resolves all issues raised in this matter and meets the requirements of Section 251 of the Telecommunications Act of 1996 and the regulations adopted by the Federal Communications Commission. *47 U.S.C. § 251 and Chapter 47 C.F.R., Part 51.*
- 15 (3) The parties' signed Interconnection Agreement does not contain negotiated or arbitrated provisions that are discriminatory or otherwise inconsistent with the public interest. *47 U.S.C. § 251(e).*
- 16 (4) The parties' signed Interconnection Agreement should become effective on the date of this Order.
- 17 (5) The Commission should retain jurisdiction over the subject matter and the parties to this proceeding as necessary to effectuate the terms of this Order. *Title 80 RCW.*

ORDER

THE COMMISSION ORDERS:

- 18 (1) The negotiated and arbitrated Interconnection Agreement of Qwest and North County for the State of Washington, filed with the Commission on November 15, 2010, including all negotiated and arbitrated terms consistent with the Arbitrator's Report and Decision, Order 10 in this proceeding, is approved and will become effective on the date of this Order.

- 19 (2) The Commission retains jurisdiction to effectuate the terms of this Order.

Dated at Olympia, Washington, and effective December 8, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

JEFFREY D. GOLTZ, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner