

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

In the Matter of the Request for Approval of )	
Negotiated Agreement Under the )	DOCKET NO. UT-980390
Telecommunications Act of 1996 Between )	
)	ORDER APPROVING
ADVANCED TELCOM, INC., f/k/a )	NEGOTIATED EIGHTH
ADVANCED TELCOM GROUP, INC., )	AMENDED AGREEMENT
)	ADDING PROVISIONS FOR
and )	UNBUNDLED NETWORK
)	ELEMENTS COMBINATIONS
QWEST CORPORATION, f/k/a U S )	RATES
WEST COMMUNICATIONS, INC. )	
..... )	

**BACKGROUND**

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated eighth amended agreement (Amended Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Amended Agreement is between Advanced Telcom, Inc., (ATG), f/k/a Advanced Telcom Group, Inc., and Qwest Corporation (Qwest), f/k/a U S WEST Communications, Inc. The Commission approved an interconnection agreement between the parties on December 9, 1998, a first amended agreement on March 22, 2000, the second, third, fourth, and fifth amendments on February 23, 2001, a sixth amended agreement on April 25, 2001, and a seventh 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 an eighth amendment on February 15, 2002.

**MEMORANDUM**

2 The Amended Agreement between ATG and Qwest was brought before the Commission at its regularly scheduled open meeting held on March 13, 2002, at its offices in Olympia, Washington. The Commission granted its approval of the Amended 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 transfer 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 ATG is authorized to provide telecommunications services to the public in the state of  
Washington.

9 The Commission approved an interconnection agreement between the parties on  
December 9, 1998, a first amended agreement on March 22, 2000, the second, third,  
fourth, and fifth amendments on February 23, 2001, a sixth amended agreement on  
April 25, 2001, and a seventh 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.

10 On February 15, 2002, the parties filed with the Commission a joint request for  
approval of an eighth amendment to the previously approved interconnection  
agreement, pursuant to the Telecom Act.

11 ATG and Qwest voluntarily negotiated the entire amendment.

12 The Amended Agreement does not discriminate against any other  
telecommunications carrier.

13 The Amended Agreement will facilitate local exchange competition in the state of  
Washington by enabling ATG to expand its presence in the local exchange market  
and increase customer choices for local exchange services.

### CONCLUSIONS OF LAW

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

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

- 16 The Amended Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 17 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.

**ORDER**

THE COMMISSION ORDERS:

- 18 The Amended Agreement between Advanced Telecom, Inc., f/k/a Advanced Telecom Group, Inc., and Qwest Corporation, f/ka/ U S WEST Communications, Inc., which the parties filed on February 15, 2002, is approved and effective as of the date of this order.
- 19 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 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.
- 20 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 13<sup>th</sup> day of March, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner