

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

In the Matter of the Request for	)	
Approval of Negotiated Agreement	)	
Under the Telecommunications Act	)	DOCKET NO. UT-990384
of 1996 Between	)	
	)	
ALLEGIANCE TELECOM OF	)	ORDER APPROVING
WASHINGTON, INC.,	)	NEGOTIATED FIFTH AMENDED
	)	AGREEMENT AMENDING THE
and	)	ENHANCED EXTENDED LOOP
	)	RATES TO THE UNE
QWEST CORPORATION, f/k/a U S	)	COMBINATIONS AMENDMENT
WEST COMMUNICATIONS, INC.	)	
.....	)	

**BACKGROUND**

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated fifth amended agreement (Amended Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Amended Agreement is between Allegiance Telecom of Washington, Inc., (Allegiance), and Qwest Corporation (Qwest), f/k/a U S WEST Communications, Inc. The Commission approved an interconnection agreement between the parties on September 22, 1999, a first amended agreement on March 10, 2000, a second amended agreement on February 23, 2001, a third amended agreement on February 27, 2002, and a fourth amended agreement on September 11, 2002. 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 fifth amendment on October 28, 2002.

## MEMORANDUM

2 The Amended Agreement between Allegiance and Qwest was brought before  
the Commission at its regularly scheduled open meeting held on  
November 27, 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 Allegiance 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 September 22, 1999, a first amended agreement on March 10, 2000, a  
second amended agreement on February 23, 2001, a third amended  
agreement on February 27, 2002, and a fourth amended agreement on  
September 11, 2002. 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 October 28, 2002, the parties filed with the Commission a joint request for  
approval of a fifth amendment to the previously approved interconnection  
agreement, pursuant to the Telecom Act.

11 Allegiance 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 Allegiance 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.

### **O R D E R**

#### THE COMMISSION ORDERS:

18 The Amended Agreement between Allegiance Telecom of Washington, Inc., and Qwest Corporation, f/k/a U S WEST Communications, Inc., which the parties filed on October 28, 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 27<sup>th</sup> day of November, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner