

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

In the Matter of the Request of)	DOCKET NO. UT-033048
)	
ACN COMMUNICATIONS)	ORDER NO. 01
SERVICES, INC.)	
)	
and)	
)	
QWEST CORPORATION)	
)	ORDER APPROVING
For Approval of Negotiated)	NEGOTIATED AGREEMENT FOR
Agreement Under the)	INTERCONNECTION AND
Telecommunications Act of 1996)	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 ACN Communications Services, Inc., (ACN), and Qwest Corporation (Qwest). On October 23, 2003, the parties filed a joint request that ACN adopt Qwest's Statement of Generally Available Terms (SGAT). The Commission is treating the proposed adoption as a fully negotiated agreement under Section 252 of the Telecom Act.

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 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) the 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 (3) 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 (4) ACN is authorized to provide telecommunications services to the public
in the state of Washington, but is not currently authorized to provide local
telecommunications services.

8 (5) On October 23, 2003, the parties filed a joint request that ACN adopt
Qwest's SGAT. The Commission is treating the proposed adoption as a
fully negotiated agreement under Section 252 of the Telecom Act.

9 (6) ACN and Qwest voluntarily negotiated the entire Agreement.

10 (7) The Agreement between ACN and Qwest was brought before the
Commission at its regularly scheduled meeting on November 26, 2003.

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

- 12 (9) The Agreement will facilitate local exchange competition in the state of Washington.
- 13 (10) The Agreement is consistent with the public interest, convenience, and necessity.
- 14 (11) The Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 15 (12) 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 (13) After examination of the proposed Agreement filed by Qwest and ACN on October 23, 2003, 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 and resale of services between ACN Communications Services, Inc. and Qwest Corporation, which the parties filed on October 23, 2003, is approved and effective as of the date of this Order.
- 18 (2) 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 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 26th day of November, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary