

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

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| In the Matter of the Request of |) | DOCKET NO. UT-053000 |
| |) | |
| |) | ORDER NO. 01 |
| |) | |
| |) | ORDER APPROVING |
| |) | NEGOTIATED AGREEMENT |
| TELEWISE, LLC |) | FOR INTERCONNECTION |
| |) | AND RESALE OF SERVICES |
| and |) | AND FIRST, SECOND, AND |
| |) | THIRD AMENDED |
| QWEST CORPORATION |) | AGREEMENTS ADDING |
| |) | TERMS AND CONDITIONS |
| |) | FOR SINGLE POINT OF |
| |) | PRESENCE, PROMOTIONAL |
| |) | RATES FOR AVAILABLE |
| |) | INVENTORY COLLOCATION |
| |) | SITES, AND RATES, TERMS |
| For Approval of Negotiated |) | AND CONDITIONS FOR |
| Agreement Under the |) | COLLOCATION AVAILABLE |
| Telecommunications Act of 1996 |) | INVENTORY |
| |) | |

BACKGROUND

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated agreement for interconnection of specified exchange services and negotiated first, second and third amended agreements (collectively the Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Agreement is between Telewise, LLC (Telewise), and Qwest Corporation (Qwest). The parties filed a joint request for approval of the negotiated agreement on January 3, 2005, and a joint request for approval of the amended agreements on January 6, 2005.

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 RCW 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) 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 (4) 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 (5) Telewise is authorized to provide telecommunications services to the
public in the state of Washington.
- 8 (6) On January 3, 2005, and January 6, 2005, the parties filed with the
Commission joint requests for approval of a negotiated agreement for
interconnection of specified exchange services and negotiated first, second
and third amended agreements, respectively, pursuant to the Telecom
Act.

- 9 (7) Telewise and Qwest voluntarily negotiated the entire Agreement.
- 10 (8) The Agreement between Telewise and Qwest was brought before the
Commission at its regularly scheduled meeting on January 26, 2005.
- 11 (9) The Agreement does not discriminate against any other
telecommunications carrier.
- 12 (10) The Agreement will facilitate local exchange competition in the state of
Washington.
- 13 (11) The Agreement is consistent with the public interest, convenience, and
necessity.
- 14 (12) The Agreement meets the requirements of Sections 251 and 252 of the
Telecom Act, including Section 252(e).
- 15 (13) 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 (14) After examination of the proposed Agreement filed in parts by Qwest and
Telewise on January 3, 2005, and January 6, 2005, 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 of services between Telewise, LLC and Qwest Corporation, which the parties filed in parts on January 3, 2005, and January 6, 2005, is approved and effective.
- 18 (2) 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 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 January, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary