

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Request For Approval of	)	
Negotiated Agreement Under the	)	
Telecommunications Act of 1996 Between	)	DOCKET UT-013014
	)	
CRESCOMM, INC.,	)	ORDER APPROVING NEGOTIATED
	)	AGREEMENT FOR TYPE 1 AND
and	)	TYPE 2 PAGING CONNECTION
	)	
QWEST CORPORATION	)	
. . . . .	)	

**BACKGROUND**

1. This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated agreement for Type 1 and Type 2 paging connection (Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Agreement is between CresComm, Inc., (CresComm), and Qwest Corporation, (Qwest). The parties filed the Agreement and a joint request for approval on February 15, 2001.

**MEMORANDUM**

2. The Agreement between CresComm and Qwest was brought before the Commission at its regularly scheduled open public meeting of March 28, 2001, at its offices in Olympia, Washington. The Commission granted its approval of the 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 transfers 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:

- (i) the agreement (or any portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or

(ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.

5. Qwest is engaged in the business of furnishing telecommunications services, including, but not limited to, basic local exchange service within the state of Washington.

6. CresComm is licensed to provide paging services by the Federal Communications Commission.

7. On February 15, 2001, the parties filed with the Commission a joint request for approval of a negotiated paging connection agreement pursuant to the Telecom Act.

8. CresComm and Qwest voluntarily negotiated the entire Agreement.

9. The Agreement does not discriminate against any other telecommunications carrier.

10. The Agreement will facilitate local exchange competition in the state of Washington.

### **CONCLUSIONS OF LAW**

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

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

13. The Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).

14. The laws and regulations of the State of Washington, and Commission orders shall govern the construction and interpretation of the Agreement. The Agreement shall also be subject to the jurisdiction of the Commission and the Washington courts.

### **ORDER**

THE COMMISSION ORDERS:

15. The Agreement for paging connection between CresComm, Inc. and Qwest Corporation, which the parties filed on February 15, 2001, is approved and effective.

16. In the event that the parties revise, modify, or amend the agreement approved herein, the revised, modified, or amended agreement shall be deemed to be a new negotiated agreement under the Telecom Act and shall 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.

17. The laws and regulations of the State of Washington, and Commission orders shall govern the construction and interpretation of the Agreement. The Agreement shall also be subject to the jurisdiction of the Commission and the Washington courts.

DATED at Olympia, Washington, and effective this 28<sup>th</sup> day of March, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner