

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of the Request for)	
Approval of Negotiated Agreement)	DOCKET NO. UT-013050
Under the Telecommunications Act of)	
1996 Between)	ORDER APPROVING NEGOTIATED
)	AGREEMENT FOR RESALE OF
CIERA NETWORK SYSTEMS, INC.,)	SERVICES
)	
and)	
)	
QWEST CORPORATION)	
.....)	

BACKGROUND

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated agreement for the resale of specified exchange services (Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Agreement is between Ciera Network Systems, Inc., (Ciera), and Qwest Corporation (Qwest). The parties filed a joint request for approval of the Agreement on June 13, 2001.

MEMORANDUM

2 The Agreement between Ciera and Qwest was brought before the Commission at its regularly scheduled open public meeting of July 11, 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 Ciera is not currently authorized to provide telecommunications services in the state of Washington.

7 On June 13, 2001, the parties filed with the Commission a joint request for approval of a negotiated resale of services agreement pursuant to the Telecom Act.

8 Ciera 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 by enabling Ciera to enter the local exchange market and increase customer choices for local exchange services.

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 Approval of the Agreement does not in any way waive Ciera's requirement to become a registered telecommunications service provider in the state of Washington.

15 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 and the Washington courts.

ORDER

THE COMMISSION ORDERS:

- 16 The Agreement for resale of services between Ciera Network Systems, Inc., and Qwest Corporation, which the parties filed on June 13, 2001, is approved.
- 17 Ciera Network Systems, Inc. is not currently authorized to provide telecommunications services in the state of Washington. Approval of the Agreement does not in any way waive Ciera Network Systems, Inc.'s requirement to become a registered telecommunications service provider in the state of Washington. The Agreement will not become operable until such time as Ciera Network Systems, Inc. has been registered as a telecommunications service provider by this Commission.
- 18 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 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.
- 19 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 and the Washington courts.

DATED at Olympia, Washington, and effective this 11th day of July, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner