



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) 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) ELI is authorized to provide telecommunications services to the public in  
the state of Washington.
- 8 (5) The Commission approved an interconnection agreement and first  
amendment between the parties on August 14, 2002, and a second  
amended agreement on November 27, 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.
- 9 (6) On June 30, 2003, the parties filed with the Commission a joint request for  
approval of a third amendment to the previously approved  
interconnection agreement, pursuant to the Telecom Act.

- 10 (7) The Amended Agreement between ELI and Qwest was brought before the  
Commission at its regularly scheduled meeting on July 23, 2003.
- 11 (8) ELI and Qwest voluntarily negotiated the entire amendment.
- 12 (9) The Amended Agreement does not discriminate against any other  
telecommunications carrier.
- 13 (10) The Amended Agreement will facilitate local exchange competition in the  
state of Washington.
- 14 (11) The Amended Agreement is consistent with the public interest,  
convenience, and necessity.
- 15 (12) The Amended Agreement meets the requirements of Sections 251 and 252  
of the Telecom Act, including Section 252(e).
- 16 (13) 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.
- 17 (14) After examination of the proposed Amended Agreement filed by ELI and  
Qwest on June 30, 2003, and giving consideration to all relevant matters,  
the Commission finds the proposed Amended Agreement should be  
approved.

**ORDER**

## THE COMMISSION ORDERS:

- 18 (1) The Amended Agreement between Electric Lightwave, Inc., and Qwest Corporation, which the parties filed on June 30, 2003, is approved and effective as of the date of this Order.
- 19 (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.
- 20 (3) 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.

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 23<sup>rd</sup> day of July, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary