

- 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 portions 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) Pipertel is not currently authorized to provide telecommunications
services to the public in the state of Washington.
- 8 (5) On March 8, 2005, and March 9, 2005, respectively, the parties filed with
the Commission a joint request for approval of a negotiated
interconnection and resale of services agreement and a first amendment,
pursuant to the Telecom Act.
- 9 (6) Pipertel and Qwest voluntarily negotiated the entire Amended
Agreement.
- 10 (7) The Amended Agreement between Pipertel and Qwest was brought
before the Commission at its regularly scheduled meeting on April 13,
2005.

- 11 (8) The Amended Agreement does not discriminate against any other telecommunications carrier.
- 12 (9) The Amended Agreement will facilitate local exchange competition in the state of Washington.
- 13 (10) The Amended Agreement is consistent with the public interest, convenience, and necessity.
- 14 (11) The Amended Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 15 (12) Approval of the Agreement does not in any way waive Pipertel's requirement to become a registered telecommunications services provider in the state of Washington.
- 16 (13) The laws and regulations of the State of Washington and Commission Orders govern the construction and interpretation of the Agreement. The Amended Agreement is subject to the jurisdiction of the Commission.
- 17 (14) After examination of the proposed Amended Agreement filed by Qwest and Pipertel on March 8, 2005, and March 9, 2005, respectively, and giving consideration to all relevant matters, the Commission finds the proposed Agreement should be approved.

ORDER

THE COMMISSION ORDERS:

- 18 (1) The negotiated agreement for interconnection and resale of services and first amendment between Pipertel Communications LLC, and Qwest Corporation, which the parties filed on March 8, 2005, and March 9, 2005, respectively, 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 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 13th day of April, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary