

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

In the Matter of the Request of)	DOCKET NO. UT-023049
)	
NEW EDGE NETWORK, INC.)	
)	
and)	
)	ORDER APPROVING
QWEST CORPORATION)	NEGOTIATED SECOND
)	AMENDED AGREEMENT
For Approval of Negotiated)	ADDING PROVISIONS FOR
Agreement Under the)	COLLOCATION AUGMENT
Telecommunications Act of 1996)	RATES
.....)	

BACKGROUND

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated second amended agreement (Amended Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Amended Agreement is between New Edge Network, Inc., (New Edge) and Qwest Corporation (Qwest). The Commission approved an interconnection agreement and first amendment between the parties on October 9, 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. The parties filed a joint request for approval of a second amendment on February 10, 2003.

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) 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) New Edge is authorized to provide telecommunications services to the
public in the state of Washington.
- 8 (5) The Commission approved an interconnection agreement and a first
amendment between the parties on October 9, 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 February 10, 2003, the parties filed with the Commission a joint request
for approval of a second amendment to the previously approved
interconnection agreement, pursuant to the Telecom Act.
- 10 (7) The Amended Agreement between New Edge and Qwest was brought
before the Commission at its regularly scheduled meeting on February 28,
2003.

- 11 (8) New Edge 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 New
Edge and Qwest on February 10, 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 New Edge Network, Inc., and Qwest Corporation, which the parties filed on February 10, 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.

DATED at Olympia, Washington, and effective this 28th day of February, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner