



- 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)     Vycera is authorized to provide telecommunications services to the public  
          in the state of Washington.
- 8       (5)     On March 3, 2005, and March 7, 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)     Vycera and Qwest voluntarily negotiated the entire Amended Agreement.
- 10      (7)     The Amended Agreement between Vycera 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) 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.
- 16 (13) After examination of the proposed Amended Agreement filed by Qwest and Vycera on March 3, 2005, and March 7, 2005, respectively, and giving consideration to all relevant matters, the Commission finds the proposed Agreement should be approved.

## ORDER

### THE COMMISSION ORDERS:

- 17 (1) The negotiated agreement for interconnection and resale of services and first amendment between Vycera Communications, Inc., and Qwest Corporation, which the parties filed on March 3, 2005, and March 7, 2005, respectively, is approved and effective as of the date of this Order.
- 18 (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.

- 19 (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 13<sup>th</sup> day of April, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary