

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of the Request For)	
Approval of Negotiated Agreement)	DOCKET NO. UT-003132
Under the Telecommunications Act of)	
1996 Between)	
)	ORDER APPROVING
LOOKING GLASS NETWORKS, INC.,)	NEGOTIATED FIRST AMENDED
)	AGREEMENT ADDING
and)	PROVISIONS FOR CLEC-TO-
)	CLEC CROSS CONNECTIONS
QWEST CORPORATION)	
.....)	

BACKGROUND

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated first amended agreement (Amended Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Amended Agreement is between Looking Glass Networks, Inc., (Looking Glass), and Qwest Corporation (Qwest). On December 11, 2000, the parties filed a joint request that Looking Glass receive all arrangements provided in an interconnection agreement previously approved by the Commission between Metromedia Fiber Network Services, Inc. (Metromedia), and Qwest in Docket UT-993010. The Commission accepted this request on December 27, 2000. On April 12, 2000, in Docket UT-990355 – Interpretive and Policy Statement regarding Section 252 (i) of the Telecom Act – the Commission concluded that amendments to original adopted agreement would be deemed new agreements under the Telecom Act and must be submitted to the Commission for approval. The parties filed a joint request for approval of a first amendment on February 12, 2002.

MEMORANDUM

2 The Amended Agreement between Looking Glass and Qwest was brought before the Commission at its regularly scheduled open meeting held on March 13, 2002, 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:
- 5 (i) the agreement (or any portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
 - 6 (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.
- 7 Qwest is engaged in the business of furnishing telecommunications services, including, but not limited to, basic local exchange service within the state of Washington.
- 8 Looking Glass is authorized to provide telecommunications services to the public in the state of Washington.
- 9 On December 11, 2000, the parties filed with the Commission a joint request that Looking Glass receive all arrangements provided in an interconnection agreement previously approved by the Commission between Metromedia and Qwest in Docket UT-993010. The Commission accepted this request on December 27, 2000. On April 12, 2002, in Docket UT-990355 – Interpretive and Policy Statement regarding Section 252(i) of the Telecom Act – the Commission concluded that amendments to original adopted agreements would be deemed new agreements under the Telecom Act and must be submitted to the Commission for approval.
- 10 On February 12, 2002, the parties filed with the Commission a joint request for approval of a first amendment to the previously approved interconnection agreement pursuant to the Telecom Act.
- 11 Looking Glass and Qwest voluntarily negotiated the entire amendment.
- 12 The Amended Agreement does not discriminate against any other telecommunications carrier.

- 13 The Amended Agreement will facilitate local exchange competition in the state of Washington by enabling Looking Glass to enter the local exchange market and increase customer choices for local exchange services.

CONCLUSIONS OF LAW

- 14 The Commission has jurisdiction over the subject matter and all parties to this proceeding.
- 15 The Amended Agreement is consistent with the public interest, convenience, and necessity.
- 16 The Amended Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 17 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.

ORDER

THE COMMISSION ORDERS:

- 18 The Amended Agreement Looking Glass Networks, Inc., and Qwest Corporation, which the parties filed on February 12, 2002, is approved and effective as of the date of this order.
- 19 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.
- 20 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 13^h day of March, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner