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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Request for Approval of)
Adopted Interconnection Agreement under the) Docket No. UT-
Telecommunications Act of 1996 Between Pac-)
West Telecomm, Inc. and U S WEST) REQUEST FOR APPROVAL OF
Communications, Inc.) ADOPTED ARBITRATED
) INTERCONNECTION AGREEMENT
)

I. INTRODUCTION

Pursuant to Section III of the Interpretive and Policy Statement Regarding Negotiation, Mediation, Arbitration, and Approval of Agreements under the Telecommunications Act of 1996 ("Interpretive and Policy Statement") issued by this Commission in Docket No. UT-960269, Pac-West Telecomm, Inc. ("Pac-West") and U S WEST Communications, Inc. ("U S WEST ") hereby submit for approval by the Washington Utilities and Transportation Commission ("Commission" or "WUTC") the attached Negotiated Interconnection Agreement dated September 2, 1999 (the "Agreement"). Pac-West and U S WEST have agreed that Pac-West will adopt, in its entirety, the previously arbitrated AT&T Communications of the Pacific Northwest Interconnection Agreement which was approved by the Commission on July 11, 1997 in Docket

REQUEST FOR APPROVAL
OF ADOPTED AGREEMENT

U S WEST, Inc.
1600 7th Ave., Suite 3206
Seattle, WA 98191
Telephone: (206) 343-4000
Facsimile: (206) 343-4040

1 No. UT-960309. The Agreement is the exact agreement previously approved by this
2 Commission as set forth above, except that the name and addresses for notification of Pac-West
3 has been inserted in place of those for AT&T.

4 The Agreement sets forth terms, conditions and prices under which U S WEST agrees to
5 provide services for resale and certain Unbundled Network Elements, Ancillary Functions and
6 additional features in each LATA in which both U S WEST and Pac-West operate within the
7 state of Washington. The Agreement also has terms, conditions and prices under which the
8 parties agree to provide interconnection and reciprocal compensation for the exchange of local
9 traffic for the purpose of offering telecommunications services. The Agreement goes on to
10 provide that the pricing for these services is subject to the outcome of the Commission's
11 determination in the Generic Pricing Docket, UT-960369, et al.

12 This Agreement is submitted for approval pursuant to Section 252(e) of the
13 Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the "Act")
14 and the requirements of the Commission's Interpretive and Policy Statement.

15 II. REASONS FOR APPROVAL

16 Section 252(e)(2) of the Act directs that a state commission may reject an Agreement
17 reached through negotiation and/or arbitration only if the Commission finds that:

- 18 1) The Agreement (or portions thereof) discriminates against a
19 telecommunications carrier not a party to the Agreement; or
- 20 2) The implementation of such Agreement or portion is not consistent with the
21 public interest, convenience and necessity.

22 U S WEST and Pac-West respectfully submit that the Agreement provides no basis for
23 either of these findings and thus request that the Commission approve the Agreement

24 REQUEST FOR APPROVAL
OF ADOPTED AGREEMENT

1 expeditiously. First, the Agreement does not discriminate against any other telecommunications
2 carrier. There is no finding that the terms of this Agreement are more favorable than terms
3 provided to other carriers.

4 Second, the Agreement is consistent with the public interest as identified in the pro-
5 competitive policies of the state of Washington, the WUTC, the U.S. Congress and the Federal
6 Communications Commission. The Agreement will enable Pac-West to enter the local exchange
7 market and provide customers with increased choices among local exchange services.
8 Expeditious approval of this Agreement will facilitate immediate competition in U S WEST's
9 local exchange service areas in Washington. In addition, because this Agreement does not
10 discriminate against any other telecommunications carrier, state law policies prohibiting
11 unreasonable discrimination are preserved by approval of this Agreement.

12 Furthermore, this Agreement is consistent with the WUTC's interconnection order as
13 reflected in the "preferred outcomes" in Appendix B to the Interpretive and Policy Statement.
14 None of the provisions of this Agreement appear inconsistent with any of the "preferred
15 outcomes" recited in Appendix B. For instance, the Agreement recognizes and treats Pac-West
16 as a co-carrier. (See "Preferred Outcome" #2.) The Agreement's directory listings provision
17 (Section 44) is also consistent with the "Preferred Outcome" #7.

18 For the foregoing reasons, U S WEST and Pac-West submit that approval of this
19 Agreement is warranted because it satisfies the state and federal criteria for approval.

20 **III. UNDERSTANDING AND AGREEMENT OF PARTIES**

21 With respect to the Agreement, the Parties understand and agree:
22

1 1) They shall request the Commission to expedite its review and approval of this
2 agreement.

3 2) Notwithstanding the mutual commitments set forth herein, the Parties are entering
4 into this Agreement without prejudice to any positions they have taken previously, or may take
5 in the future, in any legislative, regulatory or other public forum addressing any matters,
6 including those relating to the types of arrangements contained in the Agreement. During the
7 proceeding in which the Commission is to review and approve the Agreement, U S WEST may
8 point out that it has objected, and continues to object, to the inclusion of the terms and conditions
9 to which it objected in the approval of the underlying agreement.

10 3) The Agreement contains provisions based upon the decisions of the Federal
11 Communications Commission ("FCC") and the WUTC under and with respect to the Act.
12 Currently, court and regulatory proceeding affecting the subject matter of the Agreement are in
13 various stages, including the proceedings where certain of the rules and regulations of the FCC
14 are being challenged (see, Iowa Utilities Board v. Federal Communications Commission, 120
15 F.3d 753 (8th Circuit, 1997)) and the proceedings where the WUTC's decisions giving rise to the
16 underlying agreement are under and subject to appeal and review (the "Proceedings"). The
17 Agreement has not been corrected to reflect the requirements, claims or outcomes of any of the
18 Proceedings, although the pricing does reflect the WUTC's most current generic order, if any.
19 Accordingly, when a final decision or decisions are made in the Proceedings that automatically
20 change and modify the underlying agreement, at that time like changes and modifications with
21 similarly be made to this agreement.

