

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) 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 (4) 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 (5) Time Warner is authorized to provide telecommunications services to the public in the state of Washington.
 - 8 (6) On August 23, 2004, the parties filed with the Commission a joint request for approval of a negotiated interconnection, pursuant to the Telecom Act.
 - 9 (7) Time Warner and Qwest voluntarily negotiated the entire Agreement.
 - 10 (8) The Agreement between Time Warner and Qwest was brought before the Commission at its regularly scheduled meeting on September 22, 2004.
 - 11 (9) The Agreement does not discriminate against any other telecommunications carrier.
 - 12 (10) The Agreement will facilitate local exchange competition in the state of Washington.

- 13 (11) The Agreement is consistent with the public interest, convenience, and necessity.
- 14 (12) The Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 15 (13) 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.
- 16 (14) After examination of the proposed Agreement filed by Qwest and Time Warner on August 23, 2004, and giving consideration to all relevant matters, the Commission finds the proposed Agreement should be approved.

ORDER

THE COMMISSION ORDERS:

- 17 (1) The Agreement for interconnection of services between Time Warner Telecom of Washington, LLC and Qwest Corporation, which the parties filed on August 23, 2004, is approved and effective.
- 18 (2) 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 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 22nd day of September, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary