

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

In the Matter of the Request of)	DOCKET NO. UT-003049
)	
TIME WARNER TELECOM OF)	
WASHINGTON, LLC)	
)	
and)	
)	ORDER APPROVING
QWEST CORPORATION)	NEGOTIATED SIXTH AMENDED
)	AGREEMENT ADDING
For Approval of Negotiated)	PROVISIONS FOR UNBUNDLED
Agreement Under the)	NETWORK ELEMENTS
Telecommunications Act of 1996)	COMBINATIONS
.....)	

BACKGROUND

- 1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated sixth amended agreement (Amended Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Amended Agreement is between Time Warner Telecom of Washington, LLC (Time Warner) and Qwest Corporation (Qwest).
- 2 In Docket UT-001502, Time Warner notified the Commission that it had acquired assets and the first of the six amended interconnection agreements with Qwest discussed herein by purchasing them from GST Telecom Washington, Inc. (GST). The Commission approved an interconnection agreement between GST and Qwest on July 31, 2000, a first amended agreement between Qwest and Time Warner on March 13, 2002, a second amended agreement on March 27, 2002, a third amended agreement on June 26, 2002, a fourth amended agreement on October 9, 2002, and a fifth amended agreement on November 15, 2002.
- 3 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 sixth amendment on January 10, 2003.

FINDINGS AND CONCLUSIONS

- 4 (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.*
- 5 (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:
- 6 (i) the agreement (or any portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- 7 (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.
- 8 (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.
- 9 (4) Time Warner is authorized to provide telecommunications services to the public in the state of Washington.
- 10 (5) In Docket UT-001502, Time Warner notified the Commission that it had acquired assets and the first of the six amended interconnection agreements with Qwest discussed herein through a purchase from GST.

The Commission approved an interconnection agreement between GST and Qwest on July 31, 2000, a first amended agreement between Qwest and Time Warner on March 13, 2002, a second amended agreement on March 27, 2002, a third amended agreement on June 26, 2002, a fourth amended agreement on October 9, 2002, and a fifth amended agreement on November 15, 2002.

- 11 (6) On January 10, 2003, the parties filed with the Commission a joint request for approval of a sixth amendment to the previously approved interconnection agreement, pursuant to the Telecom Act.
- 12 (7) The Amended Agreement between Time Warner and Qwest was brought before the Commission at its regularly scheduled meeting on January, 29, 2003.
- 13 (8) Time Warner and Qwest voluntarily negotiated the entire amendment.
- 14 (9) The Amended Agreement does not discriminate against any other telecommunications carrier.
- 15 (10) The Amended Agreement will facilitate local exchange competition in the state of Washington.
- 16 (11) The Amended Agreement is consistent with the public interest, convenience, and necessity.
- 17 (12) The Amended Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 18 (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.

- 19 (14) After examination of the proposed Amended Agreement filed by Time Warner and Qwest on January 10, 2003, and giving consideration to all relevant matters, the Commission finds the proposed Amended Agreement should be approved.

ORDER

THE COMMISSION ORDERS:

- 20 (1) The Amended Agreement between Time Warner Telecom of Washington, LLC and Qwest Corporation, which the parties filed on January 10, 2003, is approved and effective as of the date of this Order.
- 21 (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.
- 22 (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 29th day of January, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner