

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

In the Matter of the Request of)	DOCKET NO. UT-960354
)	
INTERNATIONAL TELCOM, LTD.)	
D/B/A KALLBACK)	
)	ORDER APPROVING
and)	NEGOTIATED SIXTH AMENDED
)	AGREEMENT ADDING
QWEST CORPORATION)	PROVISIONS FOR UNBUNDLED
)	NETWORK ELEMENTS (UNE)
For Approval of Negotiated)	COMBINATIONS, REPLACING
Agreement Under the)	AMENDMENT NO. 2 IN ITS
Telecommunications Act of 1996)	ENTIRETY
.....)	

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 International Telcom, Ltd. d/b/a Kallback (Kallback), and Qwest Corporation (Qwest). The Commission approved an interconnection agreement between the parties on February 11, 1998, a first amended agreement on March 10, 1999, a second amended agreement on July 31, 2000, a third amended agreement on October 11, 2000¹, a fourth amended agreement on January 30, 2002, and a fifth amended agreement on August 13, 2003. 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

¹ Paragraphs 1 and 8 of the order approved on August 13, 2003, have incorrect information. Paragraphs 1 and 8 should reflect that the third amendment was approved on October 11, 2000.

approval. The parties filed a joint request for approval of a sixth amendment on March 24, 2004.

FINDINGS AND CONCLUSIONS

- 2 (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.*
- 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 portion 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) Kallback is authorized to provide telecommunications services to the public in the state of Washington.
- 8 (5) The Commission approved an interconnection agreement between the parties on February 11, 1998, a first amended agreement on March 10, 1999, a second amended agreement on July 31, 2000, a third amended

agreement on October 11, 2000², a fourth amended agreement on January 30, 2002, and a fifth amended agreement on August 13, 2003. 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.

- 9 (6) On March 24, 2004, 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.
- 10 (7) The Amended Agreement between Kallback and Qwest was brought before the Commission at its regularly scheduled meeting on June 9, 2004.
- 11 (8) Kallback and Qwest voluntarily negotiated the entire amendment.
- 12 (9) The Amended Agreement does not discriminate against any other telecommunications carrier.
- 13 (10) The Amended Agreement will facilitate local exchange competition in the state of Washington.
- 14 (11) The Amended Agreement is consistent with the public interest, convenience, and necessity.
- 15 (12) The Amended Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).

² Paragraphs 1 and 8 of the order approved on August 13, 2003, have incorrect information. Paragraphs 1 and 8 should reflect that the third amendment was approved on October 11, 2000.

- 16 (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.
- 17 (14) After examination of the proposed Amended Agreement filed by Qwest and Kallback on March 24, 2004, and giving consideration to all relevant matters, the Commission finds the proposed Amended Agreement should be approved.

O R D E R

THE COMMISSION ORDERS:

- 18 (1) The Amended Agreement between International Telecom, Ltd. d/b/a Kallback and Qwest Corporation, which the parties filed on March 24, 2004, is approved and effective as of the date of this Order.
- 19 (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.
- 20 (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.

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 9th day of June, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary