

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Request For Approval of)	DOCKET NO. UT-003085
Negotiated Agreement Under the)	
Telecommunications Act of 1996 Between)	ORDER APPROVING
)	NEGOTIATED FIRST,
IONEX COMMUNICATIONS NORTH, INC.,)	SECOND, AND THIRD
)	AMENDMENTS TO
and)	AGREEMENT FOR
)	INTERCONNECTION AND
QWEST CORPORATION, f/k/a U S WEST)	RESALE SERVICES
COMMUNICATIONS, INC.)	
.)	

BACKGROUND

1. This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of negotiated first, second, and third amendments to an agreement (Amended Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Amended Agreement is between Ionex Communications North, Inc., (Ionex), and Qwest Corporation (Qwest), f/k/a U S WEST Communications, Inc. (U S WEST). On August 17, 2000, the parties filed a joint request that Ionex receive all arrangements provided in an interconnection agreement previously approved by the Commission between AT&T Communications of the Pacific Northwest, Inc., (AT&T) and U S WEST in Docket No. UT-960309. The Commission accepted this request on August 30, 2000. On April 12, 2000, in Docket UT-990355 – Interpretive and Policy Statement regarding Section 252(i) of the Telecom Act – the Commission concluded amendments to original adopted agreements 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 the first, second and third amendments on February 22, 2001.

MEMORANDUM

2. The Amended Agreement between Ionex and Qwest was brought before the Commission at its regularly scheduled open public meeting of March 28, 2001, at its offices in Olympia, Washington. The Commission granted its approval of the Amended 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:

- (i) the agreement (or any portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.

5. Qwest is engaged in the business of furnishing telecommunications services, including, but not limited to, basic local exchange service within the state of Washington.

6. Ionex is authorized to provide telecommunications services to the public in the state of Washington.

7. On August 17, 2000, the parties filed a joint request that Ionex receive all arrangements provided in an interconnection agreement previously approved by the Commission between AT&T and U S WEST in Docket No. UT-960309. The Commission accepted this request on August 30, 2000. On April 12, 2000, in Docket UT-990355 – Interpretive and Policy Statement regarding Section 252(i) of the Telecom Act – the Commission concluded amendments to original adopted agreements would be deemed new agreements under the Telecom Act and must be submitted to the Commission for approval.

8. On February 22 2001, the parties filed with the Commission a joint request for approval of the first, second and third amendments to the previously approved interconnection agreement, pursuant to the Telecom Act.

9. Ionex and Qwest voluntarily negotiated the entire amendment.

10. The Amended Agreement does not discriminate against any other telecommunications carrier.

11. The Amended Agreement will facilitate local exchange competition in the state of Washington by enabling Ionex to expand its presence in the local exchange market and increase customer choices for local exchange services.

CONCLUSIONS OF LAW

12. The Commission has jurisdiction over the subject matter and all parties to this proceeding.

13. The Amended Agreement is consistent with the public interest, convenience, and necessity.

14. The Amended Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).

15. 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 and the Washington courts.

ORDER

THE COMMISSION ORDERS:

16. The Amended Agreement between Ionex Communications North, Inc., and Qwest Corporation, f/k/a U S WEST Communications, Inc., which the parties filed on February 22, 2001, is approved and effective.

17. 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.

18. 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 and the Washington courts.

DATED at Olympia, Washington, and effective this 28th day of March, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner