BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Request For	)	
Approval of Negotiated Agreement	)	
Under the Telecommunications Act	)	DOCKET NO. UT-023056
of 1996 Between	)	
	)	
NCI DATA.COM, INC.,	)	ORDER APPROVING
	)	NEGOTIATED AGREEMENT
and	)	FOR INTERCONNECTION
	)	AND RESALE OF SERVICES
VERIZON NORTHWEST INC.	)	
. . . .	)	

BACKGROUND

1   This matter comes before the Washington Utilities and Transportation
Commission (Commission) for approval of a negotiated agreement for
interconnection and the resale of specified exchange services (Agreement) under
the Telecommunications Act of 1996 (Telecom Act). The Agreement is between
NCI Data.com, Inc., (NCI), and Verizon Northwest Inc. (Verizon). The parties
filed a joint request for approval of the Agreement on November 1, 2002.

MEMORANDUM

2   The Agreement between NCI and Verizon was brought before the Commission
at its regularly scheduled open meeting held on November 27, 2002, at its offices
in Olympia, Washington. The Commission granted its approval of the
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:

5   (i)   the agreement (or any portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or

6   (ii)   the implementation of such agreement or portion is not consistent with the public interest , convenience, and necessity.

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

8   NCI is authorized to provide telecommunications services to the public in the state of Washington.

9   On November 1, 2002, the parties filed with the Commission a joint request for approval of a negotiated interconnection and resale of services agreement pursuant to the Telecom Act.

10   NCI and Verizon voluntarily negotiated the entire Agreement.

11   The Agreement does not discriminate against any other telecommunications carrier.

12   The Agreement will facilitate local exchange competition in the state of Washington by enabling NCI to enter the local exchange market and increase customer choices for local exchange services.

CONCLUSIONS OF LAW

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

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

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

16   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.

O R D E R

THE COMMISSION ORDERS:

17   The Agreement for interconnection and resale of services between NCI Data.com, Inc., and Verizon Northwest Inc., which the parties filed on November 1, 2002, is approved and effective as of the date of this order.

18   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 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.

19   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.

DATED at Olympia, Washington, and effective this 27th day of November, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner