

**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-023057
of 1996 Between)	
)	
KMC TELECOM V, 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 KMC Telecom V, Inc., (KMC), and Verizon Northwest Inc. (Verizon). The parties filed a joint request for approval of the Agreement on November 1, 2002.
- 2 The parties ask the Commission to allow them to adopt, pursuant to the FCC's Bell Atlantic/GTE Merger Conditions, (Merger Conditions), released on June 16, 2000, in CC Docket No. 98-184, an agreement between Verizon and Sprint Communications Company L.P. (Sprint) approved in the state of California. The agreement is an adoption under the terms of the Merger Conditions and Section 252(i) of the Telecom Act. Therefore, the Commission is treating the request as a fully negotiated agreement.

MEMORANDUM

3 The Agreement between KMC 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 requested by the parties.

FINDINGS OF FACT

4 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.

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

9 KMC is authorized to provide telecommunications services to the public in the
state of Washington.

10 Pursuant to the terms of the Merger Conditions and Section 252(i), on

November 1, 2002, the parties filed with the Commission a joint request to adopt the agreement approved by the state of California between Verizon and Sprint.

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 KMC 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.

ORDER

THE COMMISSION ORDERS:

17 The Agreement for interconnection and resale of services between KMC Telecom V, 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