

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

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|---------------------------------|---|----------------------|
| In the Matter of the Request of |) | DOCKET NO. UT-023064 |
| |) | |
| SPRINT PCS |) | |
| |) | |
| and |) | |
| |) | |
| UNITED TELEPHONE |) | |
| COMPANY OF THE |) | |
| NORTHWEST |) | |
| |) | |
| |) | ORDER APPROVING |
| For Approval of Negotiated |) | NEGOTIATED AGREEMENT |
| Agreement Under the |) | FOR WIRELESS |
| Telecommunications Act of 1996 |) | INTERCONNECTION |
| | | |

BACKGROUND

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated wireless interconnection agreement (Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Agreement is between Sprint Spectrum L.P., a Delaware limited partnership, as agent for Wirelessco, L.P., a Delaware limited partnership, and APC PCS, L.L.C., a Delaware limited partnership, and Phillieco, L.P., a Delaware limited partnership, all foregoing entities jointly doing business as Sprint PCS (PCS) and United Telephone Company of the Northwest (United). The parties filed a joint request for approval of the Agreement on December 9, 2002.

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
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) United 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) PCS is licensed by the Federal Communication Commission as a
commercial mobile radio service provider.
- 8 (5) On December 9, 2002, the parties filed with the Commission a joint request
for approval of a negotiated wireless interconnection agreement, pursuant
to the Telecom Act.
- 9 (6) The Agreement between PCS and United was brought before the
Commission at its regularly scheduled meeting on January 8, 2003.
- 10 (7) The Agreement does not discriminate against any other
telecommunications carrier.

- 11 (8) The Agreement will facilitate local exchange competition in the state of Washington.
- 12 (9) The Agreement is consistent with the public interest, convenience, and necessity.
- 13 (10) The Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 14 (11) 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.
- 15 (12) After examination of the proposed Agreement filed by United and PCS on December 9, 2002, and giving consideration to all relevant matters, the Commission finds the proposed Agreement should be approved.

ORDER

THE COMMISSION ORDERS:

- 16 (1) The Agreement for wireless network interconnection between Sprint Spectrum L.P., a Delaware limited partnership, as agent for Wirelessco, L.P., a Delaware limited partnership, and APC PCS, L.L.C., a Delaware limited partnership, and Phillieco, L.P., a Delaware limited partnership, all foregoing entities jointly doing business as Sprint PCS, and United Telephone Company of the Northwest, which the parties filed on December 9, 2002, is approved and effective as of the date of this Order.
- 17 (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.

- 18 (3) 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 8th day of January, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Commissioner

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner