

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

In the Matter of the Request of	)	DOCKET NO. UT-023065
	)	
POWERTELNET	)	
COMMUNICATIONS, INC.	)	
	)	
and	)	
	)	
VERIZON NORTHWEST INC.	)	
	)	ORDER APPROVING
For Approval of Negotiated	)	NEGOTIATED AGREEMENT
Agreement Under the	)	FOR INTERCONNECTION
Telecommunications Act of 1996	)	AND RESALE OF SERVICES
.....	)	

**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 PowerTelNET Communications, Inc., (PowerTelNET) and Verizon Northwest, Inc. (Verizon). The parties filed a joint request for approval of the Agreement on December 10, 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 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.

**FINDINGS AND CONCLUSIONS**

- 3 (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.*
- 4 (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:
- 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 (3) 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 (4) PowerTelNET is authorized to provide telecommunications services to the public in the state of Washington.
- 9 (5) Pursuant to the terms of the Merger Conditions and section 252(i) on December 10, 2002, the parties filed with the Commission a joint request to adopt the agreement approved by the State of California between Verizon and Sprint.
- 10 (6) The Agreement between PowerTelNET and Verizon was brought before the Commission at its regularly scheduled meeting on January 8, 2003.

- 11 (7) The Agreement does not discriminate against any other telecommunications carrier.
- 12 (8) The Agreement will facilitate local exchange competition in the state of Washington.
- 13 (9) The Agreement is consistent with the public interest, convenience, and necessity.
- 14 (10) The Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 15 (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.
- 16 (12) After examination of the proposed Agreement filed by Verizon and PowerTelNET on December 10, 2002, and giving consideration to all relevant matters, the Commission finds the proposed Agreement should be approved.

### ORDER

#### THE COMMISSION ORDERS:

- 17 (1) The Agreement for interconnection and resale of services between PowerTelNET Communications, Inc., and Verizon Northwest, Inc., which the parties filed on December 10, 2002, is approved and effective as of the date of this Order.

- 18 (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.
- 19 (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 8<sup>th</sup> day of January, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Commissioner

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner