

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

In the Matter of the Request of)	DOCKET NO. UT-980390
)	
ADVANCED TELECOM, INC.,)	
f/k/a ADVANCED TELECOM)	
GROUP, INC.,)	
)	
and)	
)	
QWEST CORPORATION)	ORDER APPROVING
)	NEGOTIATED TENTH AMENDED
For Approval of Negotiated)	AGREEMENT ADDING
Agreement Under the)	PROVISIONS FOR UNBUNDLED
Telecommunications Act of 1996)	DARK FIBER RESERVATION
.....)	

BACKGROUND

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated tenth amended agreement (Amended Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Amended Agreement is between Advance Telecom, Inc., f/k/a Advanced Telecom Group, Inc., (Advanced Telecom) and Qwest Corporation (Qwest). The Commission approved an interconnection agreement between the parties on December 9, 1998, a first amended agreement on March 22, 2000, the second, third, fourth, and fifth amendments on February 23, 2001, a sixth amended agreement on April 25, 2001, a seventh amended agreement on May 9, 2001, an eighth amended agreement on March 13, 2002, and a ninth amended agreement on April 24, 2002. The Commission ordered that in the event the parties amended their agreement, the amended agreement would be deemed a new agreement under the Telecom Act and must be submitted to the Commission for approval. The parties filed a joint request for approval of a tenth amendment on February 21, 2003.

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 a
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) Qwest 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) Advanced Telecom is authorized to provide telecommunications services
to the public in the state of Washington.
- 8 (5) The Commission approved an interconnection agreement between the
parties on December 9, 1998, a first amended agreement on March 22,
2000, the second, third, fourth, and fifth amendments on February 23,
2001, a sixth amended agreement on April 25, 2001, a seventh amended
agreement on May 9, 2001, an eighth amended agreement on March 13,
2002, and a ninth amended agreement on April 24, 2002. The Commission

ordered that in the event the parties amended their agreement, the amended agreement would be deemed a new agreement under the Telecom Act and must be submitted to the Commission for approval.

- 9 (6) On February 21, 2003, the parties filed with the Commission a joint request for approval of a tenth amendment to the previously approved interconnection agreement, pursuant to the Telecom Act.
- 10 (7) The Amended Agreement between Advanced Telecom and Qwest was brought before the Commission at its regularly scheduled meeting on March 12, 2003.
- 11 (8) Advanced Telecom and Qwest voluntarily negotiated the entire amendment.
- 12 (9) The Amended Agreement does not discriminate against any other telecommunications carrier.
- 13 (10) The Amended Agreement will facilitate local exchange competition in the state of Washington.
- 14 (11) The Amended Agreement is consistent with the public interest, convenience, and necessity.
- 15 (12) The Amended Agreement meets the requirements of Sections 251 and 252 of the Telecom Act, including Section 252(e).
- 16 (13) 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.

- 17 (14) After examination of the proposed Amended Agreement filed by Advanced Telecom and Qwest on February 21, 2003, and giving consideration to all relevant matters, the Commission finds the proposed Amended Agreement should be approved.

ORDER

THE COMMISSION ORDERS:

- 18 (1) The Amended Agreement between Advanced Telecom, Inc., f/k/a Advanced Telecom Group, Inc., and Qwest Corporation, which the parties filed on February 21, 2003, is approved and effective as of the date of this Order.
- 19 (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.
- 20 (3) 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.

DATED at Olympia, Washington, and effective this 12th day of March, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner