

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

In the Matter of the Petition for)	
Arbitration of an Amendment to	)	DOCKET UT-043013
Interconnection Agreements of)	
	)	ORDER 20
VERIZON NORTHWEST INC.)	
	)	ORDER APPROVING
With	)	AMENDMENT TO
	)	INTERCONNECTION
COMPETITIVE LOCAL	)	AGREEMENT; APPROVING
EXCHANGE CARRIERS AND	)	AMENDMENT TO
COMMERCIAL MOBILE RADIO	)	INTERCONNECTION
SERVICE PROVIDERS IN	)	AGREEMENT BETWEEN
WASHINGTON	)	VERIZON AND VERIZON
	)	ACCESS
Pursuant to 47 U.S.C. Section 252(b))	
and the Triennial Review Order)	
.....)	

1 **SYNOPSIS.** *The Commission approves an amendment to the interconnection agreements between Verizon and 24 competitive local exchange carriers in Washington State, finding the Amendment in compliance with Order 19 in this proceeding. The Commission also approves an amendment to the interconnection agreement between Verizon and Verizon Access, filed in compliance with Order 19.*

2 **PROCEEDINGS.** Docket No. UT-043013 concerns a petition filed by Verizon Northwest Inc. (Verizon) with the Washington Utilities and Transportation Commission (Commission) for arbitration pursuant to 47 U.S.C. § 252(b)(1) of the Telecommunications Act of 1996, Public Law No. 104-104, 101 Stat. 56 (1996) (the Act) and the Federal Communications Commission’s (FCC) Triennial Review Order.¹

¹ *In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket Nos. 01-338, 96-098, 98-147, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, 18 FCC Rcd 16978 (2003) [Hereinafter “Triennial Review Order”], *vacated in part and remanded, United States Telecom Ass’n v. FCC*, 359 F.3d 554 (D.C. Cir. 2004) (*USTA II*), *cert. denied, NARUC v. United States*

Verizon sought to arbitrate an amendment to its interconnection agreements with 77 competitive local exchange carriers (CLECs) and Commercial Mobil Radio Service (CMRS) providers in Washington State that have entered into agreements with Verizon.

3 **APPEARANCES.** Timothy J. O’Connell and John H. Ridge, Stoel Rives, LLP, Seattle, Washington, Aaron M. Panner, Scott H. Angstreich, and Stuart Buck, Kellogg, Huber, Hansen Todd, Evans & Figel, P.L.L.C., Washington, D.C., and Kimberly Caswell, Associate General Counsel, Verizon Corporation, Tampa, Florida, represent Verizon in the proceeding. Michelle Bourianoff and Letty S.D. Friesen, AT&T Law Department, Austin, Texas, represent AT&T Communications of the Pacific Northwest, Inc., and AT&T Local Services on behalf of TCG Seattle (collectively AT&T). Russell M. Blau, Edward W. Kirsch, and Phillip Macres, Swidler Berlin LLP, Washington, D.C., represent Focal Communications Corporation of Washington (Focal) and the Competitive Carrier Coalition.² John Gockely, Chicago, Illinois, represents Focal. Gregory J. Kopta, Davis Wright Tremaine, LLP, Seattle, Washington, represents Integra Telecom of Washington, Inc. (Integra), Pac-West Telecomm, Inc. (Pac-West), and XO Communications Services, Inc. (XO) (collectively the Joint CLECs). Michel L. Singer Nelson, Senior Regulatory Attorney, Denver, Colorado, represents MCI, Inc., through its regulated subsidiaries in Washington (MCI). Brooks E. Harlow and David L. Rice, Miller Nash LLP, Seattle, Washington, and Genevieve Morelli, Andrea P. Edmonds, and Tamara E. Conner, Kelley, Drye & Warren LLP, Washington D.C., represent the Competitive Carrier Group.³ William E. Hendricks, III, Hood River, Oregon, represents Sprint Communications Company, L.P (Sprint).

Telecom Ass’n, 125 S.Ct. 313, 316, 345 (2004).

² The members of the Competitive Carrier Coalition include Focal, Allegiance Telecom of Washington, Inc. (Allegiance), DSL.net Communications, LLC (DSL.net), Integra Telecom of Washington, Inc. (Integra), Adelpia Business Solutions Operations, Inc. (Adelpia), Pac-West Telecomm, Inc. (Pac-West), ICG Telecom Group, Inc. (ICG), and McLeodUSA Telecommunications Services, Inc. (McLeodUSA). Adelpia and Allegiance have since ceased doing business in Washington State. *See* Dockets UT-031931 and UT-050615.

³ The members of the Competitive Carrier Group include Advanced Telecom Group (ATG), BullsEye Telecom, Inc. (BullsEye), Comcast Phone of Washington, LLC (Comcast), DIECA Communications, Inc. d/b/a Covad Communications Company (Covad), Global Crossing Local Services, Inc. (Global Crossing), KMC Telecom V, Inc. (KMC), and Winstar Communications LLC (Winstar). KMC Telecom V has since ceased doing business in Washington State.

- 4 **PROCEDURAL HISTORY.** Verizon filed its petition on February 26, 2004. Due to decisions by the D.C. Circuit Court of Appeals⁴ and the FCC,⁵ the arbitration proceeding was significantly delayed.
- 5 In September 2004, Verizon moved to withdraw its petition against 70 of 77 carriers. The Arbitrator reviewed the agreements of the carriers and granted in part and denied in part Verizon's motion in Order 12 entered on November 19, 2004. The Arbitrator determined that Verizon must continue to arbitrate an amendment to its agreements with 18 carriers, in addition to the seven carriers Verizon sought to continue in the arbitration. The following 25 carriers remain parties to the arbitration: Adelphia, Allegiance, ATI, AT&T, BullsEye, Centel, Comcast, Covad, DSL.net, Focal, Global Crossing, ICG, Integra, KMC, Level 3 Communications, LLC (Level 3), MCI, MCImetro Access Transmission Services,⁶ McLeodUSA, Pac-West, Sprint, TCG Seattle, United Communications, Inc., d/b/a UNICOM, WilTel Local Networks, LLC, f/k/a Williams Local Network, Inc., (WilTel), Winstar, and XO.
- 6 Arbitrator Ann E. Rendahl entered Order 17, the Arbitrator's Report and Decision, on July 8, 2005.
- 7 After considering Verizon's and AT&T's petitions for review and replies, the Commission entered Order 18 on September 22, 2006, granting in part and denying in part the parties' petitions for review.

See Docket UT-060752.

⁴ *USTA II v. FCC*, 359 F.3d 554 (D.C. Cir. 2004).

⁵ *Unbundled Access to Network Elements, WC Docket No. 04-313, Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338*, Order and Notice of Proposed Rulemaking, FCC 04-179 (rel. August 20, 2004); see also *In the Matter of Unbundled Access to Network Elements; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, WC Docket No. 04-313, CC Docket No. 01-338*, Order on Remand, FCC 04-290 (rel. Feb. 4, 2005) [Hereinafter "Triennial Review Remand Order"].

⁶ MCImetro Access Transmission Services is now known as Verizon Access Transmission Services (Verizon Access) following the merger of Verizon and MCI.

- 8 While the parties' initially agreed to file a complete, signed interconnection agreement for approval within 30 days after the Commission entered Order 18, the parties later requested several extensions of time to file a conforming interconnection agreement.
- 9 On January 31, 2006, Verizon filed with the Commission a proposed amendment to the interconnection agreement, together with a brief on disputed conforming language. On the same day, the Joint CLECs (Covad, Integra, Pac-West and XO) filed a brief on conforming language issues. ATI filed a letter concurring in the Joint CLECs' brief.
- 10 On July 13, 2006, Verizon and its affiliate, MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services (Verizon Access), filed a motion seeking leave for Verizon Access to withdraw from the proceeding.
- 11 On February 2, 2007, the Commission entered Order 19, approving in part and rejecting in part Verizon's proposed amendment, and granting Verizon Access's motion for leave to withdraw, on condition it file an amendment within 30 days of the order.
- 12 On March 5, 2007, Verizon filed with the Commission a final Amendment to the Interconnection Agreements between Verizon and the parties to the arbitration, as well as an amendment to the agreement between Verizon and Verizon Access.
- 13 On March 21, 2007, Verizon filed a corrected Amendment to the Interconnection Agreements between Verizon and parties to the arbitration after finding an error in the version filed on March 5.

MEMORANDUM

- 14 We find the Amendment to Interconnection Agreement between Verizon and the parties to this arbitration proceeding filed on March 21, 2007, consistent with the decisions in Orders 18 and 19, and Section 251 of the Act. We find the Amendment to Interconnection Agreement between Verizon and Verizon Access, filed on March 5, 2007, consistent with Section 251 of the Act. We approve the amendments to the

interconnection agreements and find that the negotiated and arbitrated terms of the parties' Amendment to Interconnection Agreement are consistent with the public interest and do not discriminate against any other telecommunications carrier.

FINDINGS OF FACT

- 15 Having discussed above in detail the evidence received in this proceeding concerning all material matters, and having stated findings and conclusions upon issues in dispute among the parties and the reasons therefore, the Commission now makes and enters the following summary findings of fact, incorporating by reference pertinent portions of the preceding detailed findings:
- 16 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington, vested by statute with authority to regulate in the public interest the rates, services, facilities, and practices of telecommunications companies in the state.
- 17 (2) Verizon is an incumbent local carrier (ILEC), providing local exchange telecommunications service to the public for compensation within the state of Washington.
- 18 (3) Adelphia, Allegiance, ATI, AT&T, BullsEye, Centel, Comcast, Covad, DSL.net, Focal, Global Crossing., ICG, Integra, Level 3, KMC, MCI, McLeodUSA, Pac-West, Sprint, TCG Seattle, UNICOM, Verizon Access, WilTel, Winstar, and XO are, or have been, authorized to operate in the State of Washington as competitive local exchange carriers.
- 19 (4) The Amendment to Interconnection Agreement between Verizon and the parties to this arbitration proceeding filed with the Commission on March 21, 2007, is consistent with the Commission's arbitration decisions in Orders 18 and 19 and Section 251 of the Act.

- 20 (5) The Amendment to Interconnection Agreement between Verizon and Verizon Access, filed with the Commission on March 5, 2007, is consistent with Section 251 of the Act.

CONCLUSIONS OF LAW

21 Having discussed above all matters material to this decision, and having stated detailed findings, conclusions, and the reasons therefore, the Commission now makes the following summary conclusions of law incorporating by reference pertinent portions of the preceding detailed conclusions:

- 22 (1) The Washington Utilities and Transportation Commission has jurisdiction over the subject matter and the parties to this proceeding.
- 23 (2) The Telecommunications Act of 1996 authorizes the Commission to arbitrate and approve interconnection agreements between telecommunications carriers, pursuant to Section 252 of the Act. The Commission is specifically authorized by state law to engage in that activity. *RCW 80.36.610*. This arbitration and approval process was conducted pursuant to and in compliance with 47 U.S.C. § 252 and *RCW 80.36.610*.
- 24 (3) The negotiated and arbitrated terms of the parties' March 21, 2007, Amendment to Interconnection Agreement, and the Amendment to Interconnection Agreement between Verizon and Verizon Access, are consistent with the public interest and do not discriminate against any other telecommunications carrier.
- 25 (6) The arbitrated provisions of the parties' March 21, 2007, Amendment to Interconnection Agreement, and the Amendment to Interconnection Agreement between Verizon and Verizon Access, meet the requirements of Section 251 of the Act, including the regulations prescribed by the FCC pursuant to Section 251, and the pricing standards set forth in Section 252(d) of the Act, or otherwise established by law.

- 26 (7) The laws and regulations of the state of Washington and Commission orders shall govern the construction and interpretation of the parties' Amendment to Interconnection Agreement and the Amendment to Interconnection Agreement between Verizon and Verizon Access. The parties' Amendment to Interconnection Agreement and the Amendment to Interconnection Agreement between Verizon and Verizon Access are subject to the jurisdiction of the Commission and Washington courts.

ORDER

THE COMMISSION ORDERS:

- 27 (1) The negotiated and arbitrated Amendment to the Interconnection Agreement for the State of Washington between Verizon Northwest, Inc., and Adelphia Business Solutions Operations, Inc., Advanced Telecom, Inc., Allegiance Telecom of Washington, Inc., AT&T Communications of the Pacific Northwest, Inc., AT&T Local Services on behalf of TCG Seattle, BullsEye Telecom, Inc., Centel Communications, Inc., Comcast Phone of Washington, LLC, DIECA Communications, Inc., d/b/a Covad Communications Company, DSL.net Communications, LLC, Focal Communications Corporation of Washington, Global Crossing Local Services, Inc., ICG Telecom Group, Inc., Integra Telecom of Washington, Inc., KMC Telecom V Inc., Level 3 Communications, LLC, MCI, Inc., through its regulated subsidiaries in Washington, McLeodUSA Telecommunications Services, Inc., Pac-West Telecomm, Inc., Sprint Communications Company, L.P., United Communications, Inc., d/b/a UNICOM, WilTel Local Networks, LLC, f/k/a Williams Local Network, Inc., Winstar Communications LLC, and XO Communications Services, Inc., filed with the Commission on March 21, 2007, including all negotiated and arbitrated terms consistent with the Commission's Final Order, Order 18 and Compliance Order, Order 19 in this proceeding, is approved.

- 28 (3) The negotiated and arbitrated Amendment to the Interconnection Agreement between Verizon Northwest, Inc., and MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services filed with the Commission on March 5, 2007, is approved.

DATED at Olympia, Washington and effective March 29, 2007.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner