

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of the Request For Approval of)	
Negotiated Agreement Under the)	
Telecommunications Act of 1996 Between)	DOCKET NO. UT-003127
)	
MULTIBAND COMMUNICATIONS, INC.,)	ORDER APPROVING
)	NEGOTIATED SECOND
and)	AMENDED AGREEMENT
)	ADDING PROVISIONS FOR
QWEST CORPORATION)	ENHANCED EXTENDED
.....)	LOOP

BACKGROUND

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated second amended agreement (Amended Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Amended Agreement is between Multiband Communications, Inc., (Multiband) and Qwest Corporation (Qwest). The Commission approved an interconnection agreement between the parties on January 11, 2001, including a first amendment. 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 second amendment on January 10, 2002.

MEMORANDUM

2 The Amended Agreement between Multiband and Qwest was brought before the Commission at its regularly scheduled open meeting held on February 15, 2002, at its offices in Olympia, Washington. The Commission granted its approval of the Amended Agreement as negotiated and requested by the parties.

FINDINGS OF FACT

3 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.

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

8 Multiband is not currently authorized to provide telecommunications services in the
state of Washington.

9 The Commission approved an interconnection agreement between the parties on
January 11, 2001, including a first amendment. 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.

10 On January 10, 2002, the parties filed with the Commission a joint request for
approval of a second amendment to the previously approved interconnection
agreement, pursuant to the Telecom Act.

11 Multiband and Qwest voluntarily negotiated the entire amendment.

12 The Amended Agreement does not discriminate against any other telecommunications
carrier.

13 The Amended Agreement will facilitate local exchange competition in the state of
Washington by enabling Multiband to expand its presence in the local exchange
market and increase customer choices for local exchange services.

CONCLUSIONS OF LAW

14 The Commission has jurisdiction over the subject matter and all parties to this
proceeding.

15 The Amended Agreement is consistent with the public interest, convenience, and
necessity.

16 The Amended Agreement meets the requirements of Sections 251 and 252 of the
Telecom Act, including Section 252(e).

17 Approval of the Amended Agreement does not in any way waive Mutltiband's
requirement to become a registered telecommunications service provider in the state
of Washington.

18 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 and the Washington
courts.

O R D E R

19 THE COMMISSION ORDERS:

20 The Amended Agreement between Multiband Communications, Inc., and Qwest
Corporation, which the parties filed on January 10, 2002, is approved.

21 In the event that the parties revise, modify, or amend the agreement approved herein,
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.

22 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 and the Washington
courts.

DATED at Olympia, Washington, and effective this 15th day of February, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner