

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of the Request For Approval of)	DOCKET NO. UT-013064
Negotiated Agreement Under the)	
Telecommunications Act of 1996 Between)	
)	
PREFERRED CARRIER SERVICES, INC.,)	ORDER APPROVING
)	NEGOTIATED FIRST
)	AMENDED AGREEMENT
and)	ADDING PROVISIONS FOR
)	UNBUNDLED NETWORK
QWEST CORPORATION)	ELEMENTS COMBINATIONS
.)	

BACKGROUND

1 This matter comes before the Washington Utilities and Transportation Commission (Commission) for approval of a negotiated first amended agreement (Amended Agreement) under the Telecommunications Act of 1996 (Telecom Act). The Amended Agreement is between Preferred Carrier Services, Inc., (PCS), and Qwest Corporation (Qwest). On June 27, 2001, the parties filed a joint request that PCS receive all arrangements provided in an interconnection agreement previously approved by the Commission between Covad Communications Company (Covad), and Qwest, f/k/a U S WEST Communications, Inc., (U S WEST), in Docket UT-980312. The Commission accepted this request on September 12, 2001. On April 12, 2000, in Docket UT-990355 - Interpretive and Policy Statement regarding Section 252(i) of the Telecom Act - the Commission concluded that amendments to original adopted agreements would be deemed new agreements under the Telecom Act and must be submitted to the Commission for approval. The parties filed a joint request for approval of a first amendment on December 10, 2001.

MEMORANDUM

2 The Amended Agreement between PCS and Qwest was brought before the Commission at its regularly scheduled open meeting held on January 30, 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
4 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
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 PCS is authorized to provide telecommunications services to the public in the state of
Washington.

9 On June 27, 2001, the parties filed a joint request that PCS receive all arrangements
provided in an interconnection agreement previously approved by the Commission
between Covad and U S WEST in Docket UT-980312. The Commission accepted
this request on September 12, 2001. On April 12, 2000, in Docket UT-990355 -
Interpretive and Policy Statement regarding Section 252(i) of the Telecom Act - the
Commission concluded that amendments to original adopted agreements would be
deemed new agreements under the Telecom Act and must be submitted to the
Commission for approval.

10 On December 10, 2001, the parties filed with the Commission a joint request for
approval of a first amendment to the previously approved interconnection agreement
pursuant to the Telecom Act.

11 PCS 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 PCS 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 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.

ORDER

THE COMMISSION ORDERS:

- 18 The Amended Agreement between Preferred Carrier Services, Inc., and Qwest Corporation, which the parties filed on December 10, 2001, is approved and effective.
- 19 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.
- 20 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 30th day of January, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner