

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

In the Matter of the Request of	)	DOCKET UT-073053
	)	
CENTURYTEL OF WASHINGTON, INC.	)	ORDER 01
	)	
and	)	
	)	
360NETWORKS (USA) INC.	)	ORDER APPROVING
	)	NEGOTIATED AGREEMENT FOR
For Approval of Negotiated Agreement	)	INTERCONNECTION OF
Under the Telecommunications Act of	)	SERVICES
1996	)	
.....	)	

**BACKGROUND**

- 1 On October 29, 2007, CenturyTel of Washington, Inc. (CenturyTel) and 360networks (USA) Inc. (360networks) filed a joint request for approval of a voluntarily negotiated agreement for interconnection of specified exchange services (Agreement) under the Telecommunications Act of 1996 (the Act).<sup>1</sup>
- 2 The Agreement has placeholder lines for certain services with prices “to be determined” (TBD). For example, Appendix A lists the reciprocal compensation rate for Local Traffic excluding Local Traffic that is also Information Access Traffic (if invoked pursuant to Article IV, Section 3.2.2) as TBD. Article III, Section 47 of the Agreement describes the process for the parties to follow in setting TBD prices.
- 3 Section 252(a)(1) of the Telecom Act requires that interconnection agreements “include a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement.”
- 4 To be clear, with this order the Commission does not authorize the provision of the TBD services referenced in the Agreement. Rather, pursuant to 47 USC Section 252(a)(1), if and when the parties have settled on a price for a service, the parties must file an amendment that specifies the price.

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<sup>1</sup> Telecommunications Act of 1996, Public Law No. 104-104, 101 Stat. 56 (1996).

### FINDINGS AND CONCLUSIONS

- 5 (1) The Washington Utilities and Transportation 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; RCW 80.04 and RCW 80.36.*
- 6 (2) Section 252(e)(1) of the 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:
- (i) the agreement (or any portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
  - (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.
- 7 (3) CenturyTel is a public service company engaged in the business of furnishing telecommunications services including, but not limited to, basic local exchange service within the state of Washington.
- 8 (4) 360networks is authorized to provide telecommunications services to the public in the state of Washington.
- 9 (5) On October 29, 2007, the parties filed with the Commission a joint request for approval of a voluntarily negotiated interconnection agreement, pursuant to the Act.
- 10 (6) The Agreement meets the requirements of Sections 251 and 252 of the Act, including Section 252(e), which requires companies to file negotiated agreements with the Commission.
- 11 (7) 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.

- 12 (8) Pursuant to 47 USC Section 252(a)(1) and RCW 80.16.020, the parties to interconnection agreements must file the schedule of itemized charges for each service or network element.
- 13 (9) After examination of the proposed Agreement filed by CenturyTel and 360networks on October 29, 2007, and giving consideration to all relevant matters, the Commission finds the proposed Agreement should be approved.

### ORDER

#### THE COMMISSION ORDERS:

- 14 (1) The Agreement for interconnection of services between CenturyTel of Washington, Inc. and 360networks (USA) Inc. filed on October 29, 2007, is approved and effective as of the date of this Order.
- 15 (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.
- 16 (3) The laws and regulations of the state of Washington and Commission Orders govern the construction and interpretation of the Amended Agreement. The Agreement is subject to the jurisdiction of the Commission.

The Commissioners have delegated authority to the Executive Secretary to enter this Order pursuant to RCW 80.01.030 and WAC 480-07-904((1)(d)(i).

DATED at Olympia, Washington, and effective January 11, 2008.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**



**CAROLE J. WASHBURN, Executive Secretary**

**NOTICE:** This is an order delegated to the Executive Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least 14 days a listing of all matters delegated to the Executive Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).