

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

In the Matter of the Request of	)	DOCKET UT-003115
	)	
<b>TIME WARNER TELECOM OF WASHINGTON LLC</b>	)	ORDER 01
	)	
and	)	ORDER APPROVING FIRST
	)	AMENDED AGREEMENT CHANGING
<b>VERIZON NORTHWEST INC.</b>	)	RATES AND CONDITIONS FOR
	)	UNBUNDLED NETWORK ELEMENTS
For Approval of Negotiated	)	PER THE FCC'S TRIENNIAL REVIEW
Agreement Under the	)	REMAND ORDER
Telecommunications Act of 1996.	)	

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**BACKGROUND**

- 1 Time Warner Telecom of Washington LLC (Time Warner), and Verizon Northwest Inc. (Verizon) have filed a joint request for approval of a negotiated first amended agreement (Agreement) under the Telecommunications Act of 1996 (the Act) pertaining to an existing interconnection agreement between GST Telecom Washington, Inc., (GST), and Verizon.
  
- 2 On May 17, 2000, GST filed for protection under Chapter 11 of the U.S. Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware. The Bankruptcy Court supervised an auction of GST's assets, and approved an asset purchase agreement between GST and Time Warner, which included the interconnection agreement between GST and Verizon. In Docket UT-001551, Time Warner petitioned the Commission for authority to acquire the customer base of GST, and in Docket UT-001502, GST notified the Commission of the transfer of assets from GST to Time Warner.
  
- 3 On November 8, 2000, in Docket UT-003115, the Commission accepted a joint request that GST receive all arrangements provided in an interconnection agreement approved by the Commission between Electric Lightwave, Inc. and Verizon in Docket UT-980370.
  
- 4 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.(1) The joint request for approval of a negotiated first amended agreement (Agreement) under the Telecommunications Act of 1996 (the Act) pertaining to an existing adopted interconnection agreement between GST and Verizon was filed by Time Warner as assignee for GST and Verizon on September 25, 2007.

### 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:
- 7 (i) the agreement (or any portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- 8 (ii) the implementation of such agreement or portions is not consistent with the public interest, convenience, and necessity.
- 9 (3) Verizon is engaged in the business of furnishing telecommunications services including, but not limited to, basic local exchange service within the state of Washington.
- 10 (4) Time Warner is authorized to provide telecommunications services to the public in the state of Washington.
- 11 (5) On September 25, 2007, the parties filed with the Commission a joint request for approval of an amendment to an adopted interconnection agreement pursuant to

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1 Docket UT-990355 – Interpretive and Policy Statement regarding Section 252 (i) of the Telecom Act. April 12, 2000.

the Act. 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.

- 12 (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.
- 13 (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 Commission jurisdiction.
- 14 (8) After reviewing the proposed Agreement Verizon and Time Warner filed on September 25, 2007, and giving consideration to all relevant matters, the Commission finds the proposed Agreement should be approved.

### ORDER

#### THE COMMISSION ORDERS:

- 15 (1) The amendment to the agreement for interconnection between Time Warner Telecom of Washington LLC as assignee for GST Telecom Washington, Inc., and Verizon Northwest Inc., which the parties filed on September 25, 2007, is approved and effective as of the date of this Order.
- 16 (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 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.

- 17 (3) 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.

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 December 12, 2007.

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).