

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-023008
)	
DIGITAL TELECOMMUNICATIONS,)	
INC.)	ORDER APPROVING
)	NEGOTIATED FIRST AMENDED
and)	AGREEMENT FOR RESALE OF
)	SERVICES
UNITED TELEPHONE COMPANY OF)	
THE NORTHWEST)	
.....)	

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 Digital Telecommunications, Inc., (Digital), and United Telephone Company of the Northwest (Sprint). The Commission approved an interconnection agreement between the parties on May 24, 2002. 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 first amendment on August 5, 2002.

MEMORANDUM

2 The Amended Agreement between Digital and Sprint was brought before the Commission at its regularly scheduled open meeting held on August 28, 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 Sprint is engaged in the business of furnishing telecommunications services,
including, but not limited to, basic local exchange service within the state of
Washington.

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

9 The Commission approved an interconnection agreement between the parties on
May 24, 2002. 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 August 5, 2002, 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 Digital and Sprint 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 Digital to enter 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 Digital'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.

ORDER

THE COMMISSION ORDERS:

- 19 The Amended Agreement for resale of services between Digital Telecommunications, Inc., and United Telephone Company of the Northwest, which the parties filed on August 5, 2002, is approved.
- 20 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 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.
- 21 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.

DATED at Olympia, Washington, and effective this 28th day of August, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner